



JACOBUS II^{ds}

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194613

A
Complete HISTORY
OF
ENGLAND,
FROM
The First Entrance of the ROMANS
UNDER
The Condu& of JULIUS CÆSAR,
Unto the End of
The Reign of King Henry III.

Comprehending
The ROMAN, SAXON, DANISH and NORMAN
Affairs and Transactions in this NATION during that Time.

Wherein is shewed

The Original of Our ENGLISH LAWS,
THE
Differences and Disagreements between the SECULAR and
ECCLESIASTIC POWERS,
THE

True Rise and Grounds of the CONTENTIONS and WARS be-
tween the BARONS and our Antient KINGS.

And Likewise

An Account of our Foreign WARS with FRANCE,
The Conquest of Ireland, and the Actions between the English, Scots and
Welsh, during the same Time.

ALL

Delivered in plain Matter of Fact, without any Reflections or Remarques.

By ROBERT BRADY, Doctor in Physic.

In the SAVOY,
Printed by Tho. Newcomb for Samuel Lowndes over against
Exeter-Exchange in the Strand. MDC.LXXXV.



To the Most Excellent MAJESTY

OF

A JAMES the Second,

KING of ENGLAND,

B SCOTLAND, FRANCE & IRELAND,

Defender of the Faith, &c.

GREAT SIR,

C I Presum'd humbly to ask leave, and beg the
Honour to Prefix Your Royal Name to
this History, not Written according to the
Ordinary Method, by which the Readers
are Bound to Depend upon the Integrity and
D Faith of the Author, for the Truth of the Things
Related, but proved by Authentic Testimony.
'Tis not my own Invention, but Matter of Fact
laid down, and warranted, by such as lived in the
very Times when the Things were done, or near-
est to them, or by sufficient Record. And my In-
E tention in Writing after this Manner, was to shew
and convince Men of Impartial and Unbyass'd
Minds, That they cannot, by Reading Ordina-
ry Historians, know what the Antient Govern-
ment of this Famous Kingdom was; And that
F many have been deluded into several Popular Er-
rors, by only observing the sound, and common
mistaken signification of Words; By the True
Understanding whereof, and of Things done in

The Epistle Dedicatory.

the Times I VVrite of, they might have Obtain-
ed a Right Notion of the Government and State
of the Kingdom then, which at this day are much
changed from what they were, to the great Ease
and Repose of the King, as well as Benefit and
Advantage to the People. And the Present
Constitution is an Even Rule to both, as his Due
Power, and their Just Rights, are by Law main-
tained and secured; And is such as by Your own
great Management, with the Assistance of Your
Loyal Subjects, may make You to be Beloved,
and Honoured at Home, and Feared Abroad.
For what Man is there of the Meanest Loyalty
and Ingenuity, that doth or will but observe Your
VVisdom, Justice, Courage, and Faithfulness to
Your Royal VVord, that hath not a Prospect of
our future Happiness and growing Greatness?
That therefore Your Health and Vigor may be
such, as to Complete our Hopes and Expectati-
ons in making the British Name and Nations
Great, and that You may by Your most Excel-
lent Conduct and Admirable Courage, carry the
Glory of them, not only over the Channel, but
through Christendom, and to both the Indies,
That Your Life may be Long and Easie, Your
Reign ever Prosperous and Successful, and that
after the Period of Mortality, You may receive an
Eternal Crown of Glory, Is, and always shall be
the most hearty Wish, and sincere Prayer of

Your *MAJESTIES*

Most Faithful and obedient Servant,

and Dutiful Subject

ROBERT BRADY.

TO THE
R E A D E R.

THe General Preface to this History may seem Difficult
and Tedious to some Men; but when it shall be Read
with Advertency, and fully Understood, it will appear
an Impregnable Rock against the pretended Sove-
raignty and Power of the People in this Nation, which the Re-
publicans can never climb over.

To shew the Condition of the Bulk of the People, and what
the Ordinary Inhabitants of this Nation were, before the Con-
quest and after, it was Necessary to take Notice, and Inquire in-
to the Quality of them in every County, as they are to be found
in the greatest Record of this Nation.

If any one thinks this a needless Work, let him Consider I have
Prejudice to deal with, and Men Seasoned with other Opini-
ons, which they have Learnt, and been Instructed in from their
Childhoods, by Men and Authors, they pay a great Deference
unto, who never made it their Business to search into the Orig-
inals of Things, but rested satisfied with some slight Popular
Notions and Superficial Knowledge of them. And therefore
to Discover their great (not to say) Dangerous Mistakes, and
to put to silence such, as though they be Convinced, will not
own it, but Scribble the same Things over again, and Publish
them in a New Dress: I have been forced to be very much
longer, both in that Preface, and the History it self than at
first I Designed, seeing such Satisfaction as the Reader ought to
receive, could not be expected from a short Account of Things,
and without a Due Relation of all their Circumstances.

From them both there is a clear Demonstration, That all
the Liberties and Privileges the People can pretend to, were the
Grants and Concessions of the Kings of this Nation, and were
* Derived from the Crown: And from the Preface alone, 'tis
as manifest, that the Ordinary People, and Bulk of the Nation,
were in most Things of the same Condition, as well before the
Conquest as after, and their Quality was not different, though
under the Normans, they were Obnoxious to greater Rigor, and
more

The Preface to

and more Severities in the same Way of Living, or as now we would call it, Servitude.

It was not this sort of People that contended for Liberty, but the Military Men, the Earls, Barons and Tenants in Capite, and such as held of them by Military Service, especially such as were Dissolute and Poor, having been drawn in, and managed by Cunning Ambitious Men of the same Order, with the Assistance of the Bishops and Clergy, who in all those Times of Contention, Laboured to cast off their Feudal Dependence upon the Crown, and to have their Temporals, and the Inveſtures of Churches, from others than Lay-men, and to be wholly free from Subjection to Secular Power.

The Laics also contended about their Feudal and Military Services and Performances, and the Relaxation of those Laws and Tenures, as most plainly appears by Henry the First his Charter, the Charter of King John founded upon it, and the Charter of King Henry the Third, which was only an Inlargement, and further Explication of that of King John, which in the Main were but Concessions of the more Moderate Use of the Feudal or Military Law; by which their Fees, Tenures, and incidents to them, were made more easie and certain; For until the Tenants in Capite, and other Military Tenants might have Licence to Alien part of their Estates, keeping enough to perform their Services; There were very few Free-hold Lands, according to the present Notion of them.

Nor were the Proprietors of them of much Esteem, until the Military Men parted with so much of their Estates, as their Fees grew very narrow and scanty, so as they could not support their Military Service and Charge, and the Burthens (as they then accounted them) of attending at Hundred, and County Courts, and upon the Justices in their Iters or Circuits, and Sheriffs in their Turns; but either sent their Attorneys or Deputies, or by Laws of their own making, forced the inconsiderable Freeholders, or Soccagers, upon that Drudgery.

Nor were these Military Men any other than Normans, or the Descendents from them, that made this Noise, and were the Cause of so much Blood being spilt for their Liberties (as they called them) which were, for the most part, nothing but the Relaxation of several Rigorous Exactions and Usages of the Feudal Law relating to their then Fees and Estates, as was said before, which at first their Ancestors had received from the Conqueror, without those Easie Terms, and that Abatement of the Strictness of the Law they required

For

the Reader.

For however afterwards, and of Late Times, that Tenure was esteemed a Thralldom, yet it did at first begin upon a Voluntary and Desired Submission, and for many Centuries of years had the Reputation of the most Free and Noble Service, and all other Tenures, whether in Soccage or otherwise, were esteemed Base and Ignoble in respect of it: And that the Maintainers of the Contest for their Liberties against our Norman Kings, were themselves Normans, or their Descendents, is more than Evident from the Witnesses Names to King Henry the First his Charter, who were all Normans, and from the thirty six Bishops, and Great Men, Witnesses to King Stephens Charter of Liberties, who were likewise all Normans or Strangers; nor is there to be found amongst the Commanders on either side in the War between Queen Maud, King Stephan and Henry the Second, one English Saxon. The Witnesses to King Henry the Second's Charter were also Normans; The Bishops and Great Men, mentioned in King John's Charter, as Granted to them, were all of the same Nation or Foreigners; And most, if not all, the Bishops, Earls and Barons that were Witnesses to Henry the Third his Charter, were of the same Condition; And which is more, all or most of the Witnesses and Grantees mentioned in any of the Charters of the Norman Kings, after the middle of the Reign of William the First, were Normans or Foreigners; and there is scarce any one Earl, Baron or Great Man to be found in all these Kings Reigns, that was not of Norman, or other Foreign Extraction.

And yet in spite of Truth and Matter of Fact, we find nothing in our Common Histories of these Times, but the Brave Feats performed by the English for their Fundamental Rights and Liberties: Nothing in Sir Edward Coke, Mr. Selden, Mr. Pryn, and all late Writers when they chop upon these Times, and mention any thing relating to them, but the Magnanimity of the English in Appearing for their Birth-rights, and the great Privileges they had formerly enjoyed, no body knows, nor can tell when or where, when in very Deed they were not English, but incorrigible Norman Rebels against their own Norman Princes, from whom they or their Ancestors had received so many, and so great Benefits and Favours.

In King Henry the Third's time, the Controversie was not about the Great Charter it self, the Granting and Confirmation whercof he never denied, but only about the meaning and interpretation of it, which then by Law belonged to the King. De * Chartis verò Regis, & factis Regum non debent nec

possunt

* Bracton, p. 34. a. n. 3.

The Preface to

possunt Justitiani, nec privatæ personæ Disputare; nec etiam si in illa Dubitatio oriatur possunt eam interpretari, & in Dubiis & obscuris, vel si Dictio aliqua Duos contineat intellectus, Domini Regis erit expectanda Interpretatio & voluntas, cum ejus sit interpretari cujus est Condere. Concerning the Charters of the King, or Deeds of Kings, neither the Justices or any private Persons ought or may Dispute; nor when there may arise a Doubt in any one of them, may they interpret it; for in Doubtful and obscure Passages, if any Word contains two meanings, the Kings Mind and Interpretation is to be expected, when as he that made and Granted, ought to Interpret it.

The Barons and Bishops, as often as they had a mind to Quarrel with the King, Clamored against him, for not observing the Charter of their Liberties, and he thought they Extended it too far: Thus they began, and as oft as they pleased, could improve these Clamors, almost into a perfect Rebellion, especially if they prefaced them with the Invasion of the Liberties of Holy Church; for that then by the Assistance of the Clergy, and Religious, equally influenced the People, and moved them to Sedition and Tumult, as pretended Oppression of Conscience, and Destroying their Religion, by the Management of the Dissenting Brethren, do at this day.

From hence it was they stily insisted upon it, to have a Power to * choose the Justiciary or Chief Justice, and send into the several Counties Itinerant Justices such as might Interpret the Points of the Charters, and Execute the Laws, to their Advantage, and according to the Humor and Clamor of the People of the Faction.

But notwithstanding their objecting to the King, his neglect and non-observation of the Charter, they either would not be, or thought not themselves obliged by it; for besides what hath been hinted in the General Preface, fol. 40. B. they used and practised Arbitrary Dominion and Power over their Tenants and Neighbours; refusing to be Justified (that is, to receive Justice) from the King and his Court, or to observe the Articles of the Great Charter which concerned them. For Remedy whereof the 1, 2, 3, 4, 5, 20 and 22 Chapter of the * Statute of Marleborough, made in the 52d year of Henry the Third, were provided. So that we see, those Factionous Barons, when they had secured their own Liberties, rather made use of them to Oppress, than Relieve their Tenants and Neighbours.

The Practices of these Men were not well understood by our Ordinary

the Reader.

Ordinary Writers, who have nothing but what they commonly find in the Monks, the only Historians of those times, and they wrote the Actions of Kings and Great Men, and rendered them good or bad, as they were more or less Kind and Beneficent to the Church, Church-men, and themselves; and Extolled or Defamed them, as they appeared for, and favoured their Ecclesiastic Liberty.

Who would not think Simon Montfort, Earl of Leicester, a great Patron of the Liberties of the People, a Saint, an innocent Person, and good Subject, that barely reads the Monks of those and succeeding times, and such Modern Writers as have since followed them? He professed himself the Champion of Church-Liberty, and by that means made himself the Darling and Favourite of those Men, and the whole Clergy; and they gave him a Character, and Transmitted his Memory to Posterity accordingly, though really he was the greatest Hypocrite and Traitor that had been heard of in that Age.

The old Bone of Contention (the Feudal or Military Law and Tenures) are now taken away by Act of Parliament, and the Judges, without contradiction, possessed of a Power to interpret the Law, as it now stands, the free use whereof is denied to no Man; As to his Property it cannot be invaded, for in any Controversie with the King, he may have equal Justice, as if it were with an Ordinary Person; and as to Liberty, no man can suffer a long Confinement, unless it be by Law directed for some very heinous Crime.

By Time, and the Concessions of our Kings, the Subjects of this Government, have and may enjoy, all Freedom and Happiness, that Sober, Rational Men can desire, and such as is no where to be found but in this Island, and the Dominions to it belonging; nor can any Man that Loves his Prince or Country, wish for any other than the present Constitution.

It is a sad Return of ingrateful Men, pretending to Purity of Religion, and the most Refined Christianity, to Christian Princes, for their Indulgence to, and Protection of them for the greatest Immunities and Privileges granted to them, to take all Occasions and Opportunities to Requite them with Affronts and Rudeness, with Seditious and Disloyal Practices, to the Disturbance of the Peace and Quiet of the Nations, and also Shedding the Innocent Blood of the People, by God Almighty committed to their Charge.

For here never was Pact between King and People, nor Fundamental Terms of Government agreed between them; nor indeed

* See Answer to the Rights of the Commons asserted, 1331, 1332, &c.

* Pulton's Statutes, f. 16, 17, &c.

The Preface, &c.

deed ever was there, or is it possible for any such thing to be in any Nation of the World : Matter of Fact so long as we have any Memorials of it in these Kingdoms, shews the contrary.

And I shall be very Thankful to any Man, and give him leave to Reprove me, that can Produce any other than what is here delivered from Authors of the same Credit, and such as lived in, or very near the Times when the Things were done.

Through the whole Course of the History, I have not Labour'd after an Exact and Even Style; nor can it be Expected where there is such Variety of Matter, and where Men are confined to, and limited by the Translation of other Mens Language : There is nothing my own, but the Method and Version, and whether the last be Faithful and Just, as it ought to be, I Submit my self to the Censure of the Impartial Reader.

Nor have I made any Reflections or Politic Observations upon what I have written from the Relations of others, which some are so much in Love with, as they Esteem nothing to be History without them ; Let these Men enjoy their Opinions, it may be others will think, that they serve only to Pervert and Disguise Matter of Fact, and make History Romantic; and that such as cannot understand it without them, can make no Right Use of it with them.

THE

At the Court at WHITE-HALL

JULY 13th. 1685.

Let this BOOK be Printed.

Sunderland.

THE General Preface.

The Romans originally all Europe is obliged for the *Civility, Literature, Laws* and *Government* it now enjoys, who Inhabited wheresoever they Conquered, and strengthened their Provinces two ways, by *Colonies* and *Garrisons*; Every Colony was an *Image* and *Representation* of Rome it self, with like holy *Rites*, like *Courts, Laws, Temples*, and Places of Public Commerce, and for the most part governed by *[a]* *Duumviri* in stead of *Consuls*; *[b]* *Decurions* in place of a Senate; *[c]* *Aediles* and other *Municipal Officers*. Besides this of Strength and Safety, there were other Reasons and Advantages, after Rome was much Augmented, for the Institution of *Colonies*, as sending forth the Superfluous Multitude, the Poor and Burthenfom *Commualty*, providing rewards for *super-annuated*, and over-worn Soldiers, the teaching of *Arts, Cultivating* and *Civilizing* the Barbarous People.

When the Romans had Subdued all *Italy*, and brought under their Power many other *Countries*, which they called *Provinces*, they sent into every one of these a *Prætor* or General to Govern it; and when afterwards by a further Progress of *Arms*, their Dominions were much more enlarged, they Ruled the Greater *Provinces* by *[e]* *Proconsuls*, the Lesser by *Prætors* and *[f]* *Quæstors*: But when *Augustus* was made Em-

[a] *Duumviri* from the Number Two, because there were two of them, after the Example of the Roman *Consuls*; they were the Judges and Chief Officers in their *Cities, Corporations*, or *Municipal Towns* (unless the particular Custom of any Place was otherwise) their *Camps*, and *Offices* not having such; yet sometimes a single person had this Title, and executed solely the Office of both; sometimes a greater number than Two, as in our *Cities and Corporations*, sometimes a Major, sometimes Bailiffs are the Chief Magistrates. *[b]* So called, because in the first settling of *Colonies*, every Tenth Man was Assigned and Chosen out, for the *Common Counsellors*. They were as the *Aldermen*, twenty four, forty eight, and *Common Councilmen* in our *Corporations*. *[c]* From *Aides*, so named, because at first they had the care of *Sacred Houses and Temples*, and afterwards of *Building*, and things sold, that there might be no cheat; and that what was exhibited to sale, might not be vitiated or corrupted: They also had the inspection of *Ways, Streets, Rivers, Aqueducts, Ships*, ordinary and common Houses, &c. that all of them might be kept neat and Clean, and in excellent Repair, that so the whole might appear *decent* and *beautiful*. *[d]* Such as had born the Office of *Consul*. *[e]* *Consuls* were at first called *Prætors*; but when the *Consuls* were called abroad by War, or other great Business from the City, then were *Prætors* first Erected, to do Justice in their absence; he was the *Guardian* or *Keeper* of the *Civil Law*. The *Provincial Prætors*, such as here mentioned, gave sentence according to Law; he was a Judge or Chief Justice, and in urgent occasions managed the whole Affairs of War; *Prætors* were various, and their Office also various, according to the diversity of Times. *[f]* *Quæstors* were *Treasurers* or *Receivers*, and *Expenditors* of the Public Money at first; afterwards they had other Powers, as the Hearing and Determining Causes, &c. and in the Declining Empire were as *Chancellors* to the Emperors.

L. Epif. de Magnitud. Rom. Imper. c. 6.

Not. Imp. or c. 98.

Paucroll. de Magistrat. Municipal. c. 8. Duumviri why so called. Ibid. c. 1. Decurions what they were. Ibid. c. 19. Aediles what they were. Agn. Antiqu. lib. 7. c. 1. Prætors what they were. Ibid. c. 43. Provincial Prætors what they were. Ibid. c. 45. Quæstors what they were.

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1801.
Augustus
changed the
form of the
Common-
wealth.

Ibid.

Legates or
Lieutenants
who so called.

Not. Imp. or
c. 98.
Cities how
many a Pro-
vince con-
tained.

Ibid.

Alciat. T. 1. de
Magistrat. &c.
471.
Constantin In-
stitutes a Pre-
torian pre-
fects.

Three de-
grees of Pro-
vinces.

Not. Imp. or
c. 98.
How ruled,
and by whom.

Not. Imp. or
c. 98.
Cities and
chief Cities
what.
Ibid. c. 113.
Pretorian pre-
fect what he
was.

peror, he Changed the Form of the Common-wealth, and divided the Provinces between himself and the Roman People, those which were most quiet and remote from Enemies he gave to them; such as bordered upon the Enemy and were most hazardous, he kept to himself, left the People having the Command of Soldiers and Arms, might turn them against him: Their Magistrates he called *Proconsuls*, although they had never been *Consuls*, or Chosen out of Senators that had born that Office; they had no Power over the Soldiers, nor did they wear a Sword, or Soldiers Habit: Those which he sent into the Provinces, that he retained himself, he called *Legates* or *Lieutenants*, although they had been *Consuls*, and *Vice-Prators*; that is, had born the Office of *Prators*.

Every Province contained ten or eleven [g] Cities at least, and they were Various, according to the Diversity of Times; in the beginning all were *Prators*, because Governed by *Prators*; but after the Conquest of Asia and Achaia, there were two kinds of Provinces, Pretorian and Consular, which were Governed by *Proconsuls*, the Magistrates or Officers in Italy were Pretorian and Consular, those abroad were Pretorian and Proconsular.

Constantin the Great changed this Constitution, and the Form of Government in the Empire, and Instituted four [h] Pretorian Prefects, one of the East, another of Illiricum, a third of Italy, and a fourth of Gallia: These had their *Vicars* or *Deputies* under them, who likewise had the Command over several Presidents, Consulars, and other Magistrates according to the Extent of the Country, where they were *Deputies* or *Vicars*.

There were three Degrees of Provinces, the Greater, the Middle, and the Less; The greater Province were Ruled by the greater Magistrates or *Spectabiles*, the Conspicuous or Notable, such were *Proconsuls*, *Comites*, *Counts*, &c. The middle were Consular Provinces, not that they were governed by *Consuls* or *Proconsuls*, but by *Senators* sent with Consulary Ornaments: These were sometime governed by *Correctors* which were inferiour to them of Consular Dignity, because they used not their Ornaments: Yet they commanded over

[g] They were such Places as had Courts for Hearing Causes, *Dumspiri Judges* or *Magistrates* Executing Justice; but the greater Cities or *Metropoles*, such as had a *Prætorium* or *Palace*, a *Synodion*, a School or Place of Philosophie Exercise, a *Theater*, *Cornians* and *Baths*. [h] The Pretorian prefect at first only Commanded the Emperors *Immediat Aquæ*, and from these those constituted by Constantin had their Denomination, and had the greatest Power in the Empire committed to them, by succeeding Emperours, from whose sentence there was no Appeal.

the

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the Soldiers, and wore a Sword and Military Habit, which the *Proconsuls* did not; *Maxima Casariensis* and *Valentia* were Consular Provinces in Britain, and Governed by [i] *Consuls*; The less or smaller Provinces were subject to *Presidents*, by such were Ruled *Britannia prima, secunda & Flavia Casariensis*; for what Reasons in those times the three last Provinces were accounted the least and worst, and the two former, the greater and better, I know not; Camden says the Empire declining, those Provinces had only *Consular Magistrates* which lay next the Enemy, such were *Maxima Casariensis*, and *Valentia* in Britain.

Whatsoever the first Institution was of these Dignities and Imperial Commands, yet what distinct Jurisdiction and Powers belonged to them, I find not sufficiently cleared by any Author I have seen, especially since the time of Constantin (in whose Reign the Era of the Declining Empire is rightly fixed). I am apt to think, the same Government, Power and Jurisdiction, or very little different, might be Used and Exercised, by Persons of various and different Titles, they all having the same, or not much different Offices and Courts of State, with almost the same Officers attendant upon them, yet so as they were distinguished by their several Ensigns, Habits, Symbols, and other Discriminations of meer State and Honour, according to the first Institution: This Conjecture wants not some Authority to Confirm it: Zosi-mus Reports, that the *Vice-Pretor* was called *Duke*: And *Virgilius Lupus* Propretor or Lieutenant was called *President* by *Ulpian*: *Panciroll* says those which Governed small Provinces, by Special Appellation, were called *Presidents*; yet all *Proconsuls* and *Governours* of Provinces were contained under the General Name of *President*, and they agreed in very many Things as well as Name.

According to the General Opinion the Civil Government of Britain, after the time of Constantin, was committed to a *Vicar* or *Deputy* of the Pretorian Prefect of Gallia, under whose Direction or Disposition were the two *Consuls*, and three *Presidents* before mentioned: In his Office, or Court of

[i] There were two sorts of *Consuls* before Constantin, the *Ordinary* and *Subsidi*, the Ordinary were the usual annual *Consuls*, or were such as began their *Consulship* in the beginning of the year, or on the first of January, whence the other were *Substituted Consuls*; these last Constantin called *Consulares* or *Honorary Consuls*; from the Consulary Ornaments they had, which were Instituted by *Julius Cæsar*, *Sueton*, in *Julio*, c. 76. Such also were called *Consulares*, that had born the Office of Ordinary *Consuls*: but these were not of that Number.

Maxima Casariensis, Valentia, Consular Provinces. See this Explained in the Notes upon the History in *Valentinian*. And also these three *Presidential Provinces* *Britannia*, &c.

See *Alciat* Breviary in his second Tome 483, 485, and *Panciroll* in *utramque Notitiam*, and upon the several Magistracies. *Lib. 2. c. 4. 678.* *Digest lib. 3 Tit. 6.*

Not. Imp. or c. 99.

Alciat. Tome 2d. 483.

The Romans dated their Records, although they continued not a whole year in that Office, *Consuls* who.

The Officers
of the Vicar
Court, *Ibid.*
Principes, &c.

Pancrill, Not.
or c. 64.

Ibid. c. 11.
Cornicularius,
what.

Ibid. c. 15.

Numerarii,
Not. Imp. or
fol. 107. b.

Comentar.
ante c. 156.

Ibid. c. 13.
Comenarius,
for what.

Not. Imp. or
Public Notar-
ies, who.

Ibid. c. 171.

Epistolares
what.

Ibid. c. 50.
Ducenarii.

Alciat. Tom. 1.
31. Post
L. used kept in
the Public
Charge.
Public Court
what it was.

State he had these Officers; *Principem de Schola agentium in rebus ex [k] ducentarius*. The Chief or Principal of this Court who gave Direction to the other Officers, was of the Society or Corporation of the Emperors Emiffaries, Spies and Pursuivants; and Superintendents of the [L] Publick Course, or such as Rode Post.

Cornicularium, One that Wrote and Published the Commands, Sentences and Decrees of Pretorian Prefects, Presidents, and other Magistrates, a Scribe not much unlike our Clerks of the *Affizes*; he had his Name from *Cornu*, a Horn, which was his Badge or Ensign, or by the Winding whereof he commanded silence in the Court.

Numerarios duos, Two Accountants, who Numbered and Wrote down the Sums of Public Money, and from thence called *Numerarii*: There were two of them in every Province, one that noted such Sums as came to the Count of the Emperors Gifts and Liberality, the other such as came to the Count of the Privy Purse; one of these supplied both places oftentimes in the *East*.

Comenarius, A Gaoler or Keeper of the Prison: The Places where they kept Prisoners were anciently called *Comenaria*, whence this Name, they brought the Prisoners into Court, and delivered a Calendar of them to the Judges.

Ab actis, Publick Notaries, who Wrote Testaments, Contracts, and other Instruments, which were signed before the Judge or Justice, and attested by him, that after the death of the Parties or Judge they might remain Authentic; the Generals Counts or Dukes, because they had no Jurisdiction over the People, had not these Notaries amongst their Officers.

Cura or *de Cura Epistolarum*, There being frequent Occasion in many Matters for the Governours of Provinces sending Letters and Epistles to the Emperor, they who had the Care of these had this Title, and were also called *Epistolares*, perhaps they were not unlike our Secretaries.

[L] A Regis on Order of Men in this Body, so called from the *Ducenarii* in a Cohort, which commanded two hundred Men. See *Pancrill.* Not. Imp. or c. 64. And here it may be noted, that the Officers in the Courts of Magistrates had the resemblance of Officers in Military Cohorts, and were called by degrees to Honour, as in that; the Names of Military being transferred to Civil Officers, whence the Magistrates Office had the name of Cohort or Court, which we at this day retain.

[L] The Emperors had Horses kept in the Provinces, at several Commodious and set Stages, at the Public Charge, that upon any sudden or extraordinary Occasion, they might either send out or receive Messengers very speedily, by often changing their Horses and none might use these, but such as had the Emperors Letters and Letters. Constantly when he came to his Father at York, hamstrung all the Horses, but what he used himself, that none might pursue him: This was called the Public Course or Postage.

Adjutorem,

Adjutorem, An Assistant, yet not to these Epistolares, because in the Catalogue he immediately follows them, but to the whole Court; although many of these particular Officers had their Adjutors and Vice-gerents in case of Infirmary and Necessary Absence; after this Example, it was in some places by Law Ordained, That Bishops in case of Infirmary should have their Coadjutors.

Subadjutor, Under assistants, or Assistants to the Adjutor, or his Vice-gerents.

Exceptores; so called, *quod acta Exceptabant*, they wrote the Acts of Court from the Mouth of the Magistrate, chiefly in cases of Appeal to the higher Officers, which they kept, and recited as there was Occasion, somewhat like these are our Registers, in Chancery.

Singulares vel Singularis, They were so called from some Singular Employment which they had; so sometimes Scouts and the Forlorn Hope of their Armies were termed; they seem to have been Prosecutors, Informers, Bailiffs, Sergeants, Catchpoles, Exactors of Tributes, or some such Persons.

Et reliquos officiales, or *reliquum officium*, such might be Apparitors, Messengers, Summoners, &c.

This was the Court of the Vicar or Deputy of Britain, under the Vice-Roy or Pretorian prefect of Gaul; These his Officers in that Court.

The Ensigns or Symbols of his Administration or Government, were those Five Parts of Britain before mentioned; *Britannia prima*, *Britannia secunda*, *Flavia Cesariensis*, *Maxima Cesariensis*, and *Valentia*, expressed in the Forms of several Buildings, with their Names superscribed; placed on the Triangular Form of the Island; as if those Five had comprehended the whole Island; and the Book of Instructions as covered with Green; and the Letters Patent or Commission, as in a Gilt Cover, with several Letters inscribed upon the Book, which *Pancrill* thus interprets, and thinks them to be the initial Letters of these words following, *Flavix liber, injunctus Notariis, Tribuit, a laetulo, continent Mandata br dine Principis vel Primitern*, who was the Master or Chief of the Clerks of the Crown.

The Consulars Ensigns and Symbols were the same with the Consulars of Campania, except that in the Guidon or Square Banner, there ought to be the Name of the Provinces they Governed in stead of Campania; and may be thus; A large Tribunal in the middle, of which a Woman sat in a Throne, with

Ibid. c. 12.
Adjutor, what.

Ibid. c. 16.
Subadjutor,
who.

Ibid. c. 19.
Exceptores
what they
were.

Ibid. c. 20.
Singularis
what they
were.

Alciat. Tom. 1.
482.

The Vicar
of Britain.

The Ensigns
of the Vicar
of Britain.

Not. Imp. or
Comentar.
ante c. 93.
fol. 61.

Not. Imp.
occid. c. 50. &
c. 91.
The Consulars
Ensigns.

with a *Mural Crown*, holding in her right hand a *Banner*, and resting her self upon a *Shield*, with the Name of the *Province*, either *Maxima Caesariensis*, or *Valentia* inscribed upon it. Their Office was the same with the *Vicars*, save that the *Chief* or *Master* of it, was out of the Office of the *Pretorian Prefect* of *Gallia*, that he had not an *Epistolaris*, and that he had two *Tabularii* instead of the *Numerarii*, who dispatcht the same Business, and noted the Sums carried to the *Comes largitionum*, and the names of Debtors: the change in the names being made by *Valentinian*; and also that the Office closed thus, *Et reliquos Cohortalinos*, [m] which ought not to desert the Service of this Office, without the notice, and favor of the *Master* or *chief*.

The *Presidents Ensigns* were a *fair Building* superscribed with the name of the *Province* under the *Book of Instructions*, and the *Pictures* of two *Princes* on the top of a *Gilt Pillar* the same, as likewise their *Court* and *Office*, with those of the *President* of *Dalmatia*, and he had almost the same *Officers* and *Court* with other and greater *Magistrates*. The *Vicar* and *Counts* were honored with the *Title* of *Speſtabiles*; the *Consulars*, with the addition of *Clarissimi*, and the *Presidents* with that of *Perſeſſimi*.

There were also a *Rationalis Summarum Britanniarum*, under the *Disposition* of the *Count* of the *Sacred largesses*, and a *Prepositus Theſaurorum Auguſtensium* in *Britannia*, & *Procuratores Gynesienses* under the same, and a *Rationalis rei privatae per Britannias* under the *Dispoſe* of the *Count* of the *privy Purſe*.

Concerning the *Saxons* there is not, that I can find, much more to be written of their *Laws*, *Customs* and *Uſages*, than what hath been [1] said in the *First* part of that *History*; yet ſeeing all men of the long *Robe*, that do industriously write of, or incidently meet with them, when they write of other Things, and in their *Comments* upon *Magna Charta*, and some other *Old Statutes*, do magnifie and cry up the *Liberties* and *Freedom* of the *Ordinary People* under the *Saxon Kings*, to ſuch a Degree, as makes them all *Petty Princes*, or at least *Sharers* in the *Government*, and that the *Common Historians* do report the same things of them; I shall from

[m] *Cohortalinos*, because they resembled the *Officers* in *Coborts*, and might be the same which are expreſſed by *reſi, uos* *officiates* at the cloſe of the *Pleas Courts*, which ſee.

Authentic

Not Imper.
or Comen-
tar. ante
C. 166 fol. 107
b.

Not. Imp.
occid. c. 64.
& c. 92. 93.
The Preſi-
dents Enſigns.

[1] f. 67. 68.
Rc. Of the
Saxons, and
what the con-
dition of the
ordinary Sax-
ons was before
the Conqueſt.

Cohortales
why ſo called.

Authentic and undeniable proof out of *Domeſday Book*; ſhew them, what Really their condition was, before and after the Conqueſt

[Eſſex: [2] *Terna Regis. Hundret de Berdeſtupla.*

B *Enſlet Tenit Haroldus Tempore Regis Edwardi, pro uno Manerio & pro oſto hidis modo Cuſtodit hoc Manerium Ranulphus frater Ilgeri in Mann Regis. Tunc xii Villani, modo xxi ſemper vi Bordarii, Tunc tres ſervi, modo tres iij Carucate in Dominio modo ij, Tunc xi Caruca hominum modo v triginta acra ſilvae Paſtura 130 ovibus Diuidium Molendini, & c.*

Harold held *Benſlet* in the time of *King Edward* for one *Maner* and *Eight Hides*, now *Ranulph Fitz-Ilger* keeps it in the *Kings hand*, Then (that is in the time of *King Edward*) there was twelve *Villains*, now (when the *Survey* or *Domeſday Book* was made) one and twenty, There was always (that is then and now) 6 *Bordars*, then three *Servants*, and now three. Three *Carucates* in *Demeaſn*, now two, Then the men or *Tenants* had *Eleven Ploughs*, or *Eleven Ploughlands*, now *Five*: *Thirty Acres* of *Wood*, *Pasture* for 130 *Sheep*, half a *Mill*, &c.

Witham [3] *Tennit Haroldus Tempore Regis Edwardi pro uno Manerio, & pro v. hidis modo cuſtodit hoc Manerium in Mann Regis, Petrus Vicecomes, Tunc dua Carucata in Dominio modo tres, Tunc xxi Villani, modo xv. Tunc ix Bordarii, modo x. Tunc ſex ſervi modo ix. Tunc xxxiii Sochemani & modo ſimiliter, Tunc xviii Caruca hominum modo vii, & hac perditio fuit Tempore Sueni & Baignardi Vicecomitum, & per Mortem Beſtiarum.*

Harold held *Witham* in the time of *King Edward* for one *Maner*, and for five *Hides*, now *Peter the Sheriff* keeps it in the *Kings Hand*, Then there were two *Carucates* in *Demeaſn*, now three; Then there were twenty one *Villains*, now fifteen; Then 9 *Bordars* now 10. Then ſix *Servants* now 9. Then there were three and twenty *Socmen*, now the same number. Then the men or *Tenants* had 18 *Ploughs*, now 7. and this loſs was in the time of *Swain* and *Baynard* the *Sherifs*, and by the *Death* of *Cattle*.

[1] Little
Domeſday
Book which
contains only
Eſſex, *Nor-
folk*, and *ſuf-
ſole* f. 1. b.
The ſame
Sorts
of men, and
of the ſame
denominati-
on before the
Conqueſt, as
afterward.

[3] Ibidem.

W. H.

[4] Ibid. f. 5. a.
Ch. in the forest
land.

Writelam tenuit [4] Haroldus pro Manerio & xvi Hidis Tempore Regis Edwardi, Modo Rex Willielmus pro xiiii hidis, Tunc C Villani tres minus, post & modo Lxxiii. Tunc xxvi Bordarii post & modo Lx. Tunc xxxiii servi modo xviii. &c.

Harold held Writel for a Maner, and 16 Hides in the Time of King Edward. Now King William possesseth it for 14 Hides, Then there was an Hundred Villans wanting three, afterward and now seventy three; Then 26 Bordars, afterward and now sixty; Then 24 Servants, now 18. Then 12 Carucates in Demeasyn, now 9. Then the Men or Tenents had sixty four Ploughs or Plough-lands. Then this Maner yielded 10 Knights farm and 10 Pounds, now it yields an hundred pounds by weight.

And thus are the Entries of the ordinary Inhabitants of all the Country Towns and Maners in this County, they were Villans, Bordars and Servants, as well in Edward the Confessor, and the Saxons Time, as after the coming of the Normans. They were people of the same Condition. There are seldom to be found any Socmen, and very rarely any Freemen in the Entries of this County.

In Norfolk there are many Freemen to be found, and but few Socmen.

[5] Ibid. f. 137.
b.

Norfolk [5] Terra Regis. Hund. de Walesham.

In Mothetuna tres liberi homines xxxvii acras Terra, & quatuor acras & dimid. Prati, & dimid. Carucat. & valet Duos Solidos, & viii d.

In Motheton three Free-men hold thirty seven Acres of Land, and four Acres and half of Meadow, and 'tis half a Carucate, and the value of it is two Shillings eight pence, or it pays so much.

In Bastwic 1 liber homo xxx acras Terra, & duas acras Prati, & dimid. Carucat. & valet xvi d.

In [6] Bastwic one Freeman hath 30 Acres of Land, and two Acres of Meadow, and 'tis half a Carucate, and is worth or pays 16 d.

In Martham [7] Duo liberi homines, unus Gert, alter Haroldi Comendatus de Quadraginta Acris Terra, & 6. Acris Prati; Tunc 1 Caruc. post & modo dimid. Tunc & post quatuor sol. modo 6 sol.

In

In Martham two Freemen, one the Client, or under the Protection of Gert (he was Harolds Brother) and the other of Harold, held Forty Acres of Land, and six Acres of Meadow; Then one Carucate, since and now but half a Carucate, then and afterwards it was worth four shillings, now six shillings.

A In Clepesbes unus [8] liber homo Gerti Comendatus, Tempore Regis Edwardi de xx acr. Terra et quatuor acris prati, et tres liberi homines sub Eo. xvii acr. Terra, tres Acr. prati, semper 1 Carucat. semper valet ii Sol. & vi. d. in Censu Ormesbei.

[8] Ibidem.

B In Clepesby one Freeman under the Protection of Gert, in the time of King Edward, had twenty Acres of Land, and four Acres of Meadow, and three men under him had 17 Acres of Land, and three Acres of Meadow; it was always one Carucate, and always paid 2 s. 6 d. Rent to the Maner of Ormesby.

C In Clepesbes 1. liber [9] homo Regis de xx Acr. Terra semper dimid. Car. & tres Acr. Prati, semper valet 2 s. in Wintertuna, 1 liber homo de vii acr. terra.

[9] Ibidem.

D In Clepesby one Freeman of the King hath twenty Acres of Land, always half a Carucate, it always paid 2 s. to the Maner of Winterton, one Freeman there had 7 Acres.

E In Borstuna [1] quatuor liberi homines Algari Tempore Regis Edwardi, Comendati tantum, de xl Acr. Terr. & 1 Bordar semper 1 Car. & iii Acr. Prati.

[1] Ibid. f. 130. 21

D In Borstun four Freemen who were only under the Protection of Algar in the time of King Edward, had 40 Acres of Land, and one Bordar, and three Acres of Meadow, which were always accounted one Carucate, or there was always one Plough employed.

E In Gersinga [2] octo liberi homines Algari Comendati tantum de 60 Acr. Terr. semper quatuor Bordar. &c.

[2] Ibidem.

In Gersinge eight Freemen who were only under the Protection of Algar had sixty Acres of Land, there were always four Bordars, &c.

F And such as these were the Ordinary Freemen of this County wherever they are found in this Survey, and their Quality the same, though 'tis not to be doubted but their Condition was harder after the Conquest than before, when they changed their Patrons.

In Suffolk there were also many Freeman like these, few or no Socmen.

b

Sudfulc

Sudfulc [3] Terra Roger. Comit. Hundrede de Colense.

Waletunam Tenuit Normannus Tempore Regis Edwardi, & modo Tenet sub Rogero Bigot, &c.
In eadem villa xviii liberi homines Commendati, Godricus father, Edricus, Ulnotus &c. de Lxxx Acr. Terra & subtus eos vi Bordar. semper inter eos iii Car. & 1 Acr. Prati, & valent xxx Sol. &c.

Norman held Walton in the Time of King Edward, and now holds it of Roger Bigot, &c.

In the same Town there are 18 Freemen under Protection, Godric, (probably a Smith or Carpenter) Edric and Ulnot, (and so all the 18 named in the Survey) who held Eighty Acres of Land, and had under them 6 Bordars, amongst them they had three Carucates, and one Acre of Meadow, they pay thirty shillings.

In Maistuna [4] Tenuit Idem Normannus, T. R. E. vi liberos homines Commendati de C. Acr. Edricus & Burthricus, & Wulbaldus, & Aluricus, & Almarus, & Wulricus, & 1 villan. de quatuor Acr. & quatuor Bordar. semper inter eos quatuor Acr. & ii. Acr. Prati. & val. xx Sol.

In Maiston the same Norman held in the time of King Edward six Freemen under his Protection who had an hundred Acres, Edric and Burthric, Wulbald, Aluric, Almar and Wulric, and one Villain who had four Acres and four Bordars, who always held amongst them, four Acres and two Acres of Meadow, and 20 s.

In Burch [5] tenuit Idem Normannus T. R. E. xvi. liberos homines Commendatos de 1. Car. Terr. & vi Bordar. pertinentes ad Waletonam, & quatuor Caruc. inter eos & ii Acr. Prati. & val. x1 Sol.

In Burch the same Norman held in the Time of King Edward sixteen Freemen under his Protection (all particularly named in the Survey) who had one Carucate of Land and six Bordars, belonging, appending, or regardant to the Manner of Waleton, they had four Carucates or Ploughs between them, and two Acres of Meadow, and paid xl Shillings.

In Alceinestuna [6] duo liberi homines xi Acr. Turbinus & Ulvinus & valent xxi d. 1 Ecclesia & v Acr. * Terr. Liber. & val. xvi d.

In

In Alenston two Freemen held eleven Acres, Turlin and Ulwin, who paid 22 d. there was a Church and five Acres of Free Land which paid xvi d.

And so in many other Towns, there are the like Entries of one, two, three, four, or five Freemen. And at last 'tis said, Omnes isti sunt [7] liberi homines R. Bigot, & Normannus tenet eos de eo. All these are the Freemen of Roger Bigot, and Norman holds them of him.

Terra [8] Hugonis de Monteforti, Hundret de Carleford.

In Bischelea tres liberi homines in Dominio Gudmundi T. R. E. In Bischeley there were three Freemen in the time of King Edward, under the Dominion or power of Gudmund, or in his Demeasn which is all one.

In [9] Burgo 1 liber homo commendat dimid. Sancti. E. (i. e. Etheldredæ) T. R. E. & dimid. Antecessor Roberti Malet.

In Burg there was one Freeman, half under the Protection of St. Audrey, (that is the Church of Ely) in the time of King Edward, and half under the Patronage of the Antecessor of Robert Malet.

In eadem 1 liber homo commendat dimid. Sancti. E. & dimid. Edrici.

In the same Town there was one Freeman, who paid half the money for his Protection, to Saint Audrey or the Church of Ely, and the other half to Edric.

Sudfulc [1] Sanfort Hund. & dimid.

Terra Regis, quam Aluricus Want Custodit: he was the Kings Prepositus or Reeve, and managed it for him.

Bercolt tenuit Heroldus T. R. E. xiii Car. Terr pro Manerio Tunc xlii. Vill. modo xliii. Tunc v. Bordar. modo xxii. tunc vi. servi modo quatuor. Tunc & post tres Car. in Dominio modo ii. Tunc xx Car. hominum, post & modo x. duodecim acr. Prati. Silv. M. porcor. semper 1. Molin. semper 1. Runcin. & x. animal. & xxviii por. & Lxxxv. ov. & xxvi. Capr. Huic Manerio pertinet 1. Berwita, Sceveleia ii. Car. terr. T. R. E. Tunc xviii. post & modo vi. semper vii Bordar. Tunc iiiiii. servi. modo ii. Tunc ii Car. in Dominio post & modo 1. Tunc viiii. Car. homin. post & modo * iiiii. xvi. Acr. Prati, & 1 Molin. semper 1. runcin. & iiiii. animal. & vii. Por. & xxiii. ov.

* because they lay waste, or they had not Tenant, could set up so many Ploughs

b a

Bent.

* Ralph de Guader which story is to be found in the life of William the 11th.

* Note, *Nota Villani.*

* They were two Carucates and half in Edward the Confessors time, but at the time of the Survey lay Wall, and worth but two pence.

Bentleiam tenuit comes Guert. T. R. E. post eam adjunit comes, Rud. stalra hinc Manerio pro Berwita, T. R. Willielmi, pro ii carucat. Terr. tunc xix Villi modo xiiii semper tres Bord. tunc iiii. serv. tunc ii car. in Dominio post & modo 1. tunc viii. car. hom. post & modo 1. Et viii car. possunt in Dominium & Villanos restaurari viii Acr. Prati silv. xxii por. & viii animal. & viii por. & xlii ov. & val. vi d.

*Scotleciam tenuit comes Guert * xii car. & dimid. & 1. acr. & val. * ii. d. pro 1 Manerio T. R. E. Tunc xii Villani modo sex, semper ii. Bord. & Tunc iiii. serv. modo 1. Tunc 11 Car. in Dominio post & modo 1. Tunc iiii Car. hom. post & modo, 1. & iiii car. possunt restaurari. & iiii acr. Prati, et 1. Runcin. et xlv. Huic Manerio pertinebant, T. R. E. CCx. Sockman modo non sunt nisi Cxix et habent xxii car. Terra et dimid. xxx acr. Minus. et xlii Bord. Tunc xxix car. modo xxvii et xiiii acr. et dimid. Prati, due Ecclesie de lxii acr. de his hominibus qui hinc Manerio remansi sunt, non habuit Heroldus, etiam Commendationem T. R. E. prater de quatuor, Ulnod, Estmunt, Aluricus, Wistricus, & Guert. frater Haroldi habuit Commendationem de Duobus Man. et Alqviet. Omnes alii erant commendati aliis Baronibus, T. R. E. de uno habuit Antecessor Malet commendationem. et Robert. fil. Wimari iiii. et tamen semper Haroldus habebat Socam, &c.*

Harold held Bercolt in the time of King Edward, and thirteen Carucates of Land for a Maner. Then there were forty two Villanes, now forty three. Then five Bordars, now twenty two, then six Servants, now four. Then and afterwards three Carucates in Demeasn, now two. Then the Men or Tenents had twenty Carucates, afterwards and now ten, and 12 Acres of Meadow. Wood for 1000 Hogs, always one Mill, always one Working Horse, and ten young Cattle, and twenty eight Hogs, and eighty five Sheep, and twenty six Goats.

To this Maner belongs one * Berwite (now I think called the Barrow or Berry) Seeveley, it was two Carucates of land in the time of King Edward, Then there was ten Villans : afterward and now six, alway seven Bordars. Then 4 Servants, now two : Then two Carucates in Demeasn, afterwards and now one. Then the Men or Tenents held eight Carucates, afterwards and now four, and sixteen Acres of Meadow, and one Mill, always one Working Horse, and four young Beasts or Oxen, and seven Hogs, and twenty three Sheep.

Earl

* A Hamlet or member of a Maner.

Earl Guert held Bentley for two Carucates of Land in the time of King Edward, afterward Earl Ralph Master of the Horse, joyned it to this Maner as a Berwite or Berry in the time of King William. Then there were nineteen Villanes upon it, now thirteen, always three Bordars. Then four Servants. Then two Carucates in Demeasn, afterwards and now one. Then the Tenents or men held viii Carucates, or had eight ploughs; afterwards and now one, and eight ploughs between the Lord, and * Villains may be set up again, or eight Carucates renewed, they had eight Acres of Meadow, Wood to keep twelve Hogs, and forty two sheep, and paid vi d.

Earl Guert held Scotley or Shotley : There was two Carucates and half of Land and 1 Acre, and it paid two * pence for one Maner, in the Time of King Edward, Then there were xii Villans, now six. There was always two Bordars, and Then four Servants, now one. Then two Carucates in Demeasn; afterward and now one, and there may be four Carucates again, and four Acres of Meadow, and one Working Horse and forty Sheep.

To this Maner there were appendant or regardant (that is fixed to it) in the time of King Edward two Hundred and ten Socmen, now there are but one hundred and nineteen, and they have two and twenty Carucates of Land and half, wanting thirty Acres, or, and thirty Acres more or less. And forty two Bordars. Then there was Twenty nine Carucates, now twenty seven, and twenty four Acres and half of Meadow, and two Churches with sixty two Acres. Of these Men or Suitors, or Tenents, which were regardant or belonged to this Maner (*Qui hinc Manerio * remansi sunt.*) Harold in the time of King Edward had the protection of only four, Ulnod, Estmunt, Aluric and Wistric, and Guert the Brother of Harold, had the Protection of two, Man and Alqvist : All the others were protected by or under the Patronage of other Barons in the time of King Edward. The Predecessor of Malet had the protection of one, and Robert the Son of Wimar had the protection of four; and yet Harold always had the Soke, or money paid for their protection, &c.

Sudfale

* Note who Villains.

* Probably it lay Wall.

* Remanentes & perthentes are always taken in the same sense.

Sudfule [2] Giflingham &c.

[2] Ibid. f.
312. d.

* It was
walle,
* Ralph de
Guader,
sometime
Earl of Nor-
folk, and Su-
folk, or the
East Angles
under the
Conqueror,
and a Rebel
against him.

[3] Ibid. b.

* Robert Ma-
let.

[4] Ibid.

IN Giflingheham tres liberi Homines, de duobus habuit Ulve-
na Comendationem vii. Acr. et dimid. Car. et Val. xvi d.
In eadem Duo liberi homines, xxvi acr; unus Comendatus
Ulvenæ nomine Colemanus cum vi. acr. Tunc dimid. Car. mo-
do * nichil, et valuit iiii Sol. In eadem tenet Alviet liber homo
Comendatus Alsio Nepoti comitis * Radulfi xxx acr. pro Ma-
nerio T. R. E. Tunc 1 Car. modo nichil, et 1 acr. prati. In ea-
dem vi liberi homines Comendati Alviet, xiii acr. semper di-
mid. Car. Tunc xx sol. modo xii. In eadem Ringulfus liber
homo xxx acr. pro 1 Maner. Comendat. Alsio Nepoti Comitit
Radulfi. Tunc 1 Car. modo nihil. Ex hac Terra tenuit Lewinus
filius Ringulfi iiii Caruc. quartam partem Silvæ. In eadem
Quatuor liberi homines Comendati Ringulfo x acr. et dimid. Car.
et iiii acr. prati, x porc. Tunc valuit xx sol. modo x. In ea-
dem Beso liber homo xvi acr. Comendatus Alsio. Tunc et
post 1 Car. modo nichil, et valuit vi sol. et viii d. Ex hac Ter-
ra tenuit Antecessor Aberici de Ver. v acr. Rex et Comes de
toto Socam. In eadem 1 liber homo Soribes vi acr. Comen-
datus Ulvenæ, et valuit xii d. In eadem Chipinc [3] liber
homo Comendatus Ulwino Antecessori Alberici de Ver. et in soca
ejus, xii Car. et adhuc tenebat 1 acr. Terræ de Dominio Ulwini,
et quartam partem alterius, et modo Tenet totum Mater * Ro-
berti, et val. ii sol. Rex et Comes de toto alio Socam.

In Cotetuna [4] tenuit Anſgerus liber homo Comendatus
Lewino de Bachetuna xxx acr. pro Maner. T. R. E. Tunc
1 Car. modo dimid. et 1 acr. prati, Silva vi Porc. et Tres liberi
homines Comendat. lx acr. et dimid Car. et val. x sol. Rex et
Comes Socam.

In eadem tenuit Teit Comendatus dimidius, Edrico prepositi
Regis, et dimidius Comendatus Antecessori Malet viii acr.
semper dimid. Car. et val. iiii sol. Soca Regis et Co-
mitis.

In parvo Thornham viii liberi homines xxviii acr. Co-
mend. Ulvenæ. Tunc ii Car. modo 1 et dimid. et val. v sol.

In eadem Duo liberi homines unus eorum * fuit Co-
mendatus Ulvenæ, et alter dimidius Subcomendatus Ante-
cessori Malet.

In

In Giflingham three Freemen, of which Ulvene * had the
Protection of two, and they seven Acres and half a Carucate
and paid xvi d. in the same Town, two Free-men had twenty
six Acres, one was Protected by Ulvene, by name Coleman
with six Acres, Then half a Carucate * now nothing, and it
did pay 4 s. In the same Alviet a freeman under the Pro-
tection of Alsio the Nephew or Grandchild of Earl Ralph held
thirty Acres for a Maner (that is a Seat or place of abode)
in the time King Edward. Then it was one Carucate, now
nothing, and 1 Acre of Meadow. In the same six Freemen
under the Protection of * Alviet, held xiii Acres, which were
always half a Carucate. Then they paid twenty Shillings now
twelve.

In the same Town Ringulf a Freeman had Thirty Acres
for a Maner, he was the Client, or under the Protection of
Alsio, Nephew or Grandchild to Earl Ralph. Then it was
one Carucate, now nothing. Of this Land (suppose of the
Town) Lewin the Son of Ringulf had iiii Carucates, and the
4th part of the Wood, In the same four Freemen under the
Protection of * Ringulf, who had x Acres and half a Caru-
cate, and iv Acres of Meadow and x Hogs, Then it paid
20 s. now ten. In the same Beso a Freeman Protected by
Alsio had xvi Acres, Then and afterward one Carucate,
now nothing, it did pay six shillings and eight pence. Of
this Land the Predecessor of Alberic de * Ver had five Acres.
The King and the Earl had the Soke of the whole.

In the same Town one Freeman called Soribes, who had
vi Acres, he was under the Protection of Ulvenæ and paid
xii d. In the same Chipinc a Freeman under the Protection of
Ulwin the Predecessor of Alberic de Ver, and in the Soke of
his twelve Carucates, and he held more 1 Acre, and the
fourth part of another of the Lordship of Ulwin, now the
Mother of Robert Malet holds the whole, and it pays 2 s. The
King and Earl of all the Soke of the other (that is of
Soribes.)

In Cotton Anſger a Freeman under the Protection of Lewin
of Backton held thirty Acres for a Maner in the time of King
Edward. Then 1 Carucate, now half a Carucate and 1 Acre
of Meadow. Wood for vi Hogs. And there were three
Freemen under Protection that held Sixty Acres and half a
Carucate, and paid ten shillings. The King and Earl have
the Soc.

* In the time
of King Ed-
ward.

* Before the
Conquest it
was half a
Carucate, af-
ter it lay wast

* These were
Subcomendats,
being under
the protection
of one that
was protected
himself.

* These were
also Subcom-
mendats, who
were protect-
ed at the se-
cond hand.

* He was An-
cestor of the
Earls of Ox-
ford.

In

* Praepositus Regis.

In the same *Teit* half under the protection of *Edric* the *Kings Reeve*, and half under the Protection of the Predecessor of *Malet*, held viii Acres always, half a Carucate and paid 4 s. The Soc was the Kings and Earls.

In little *Thornham* eight *Freemen* had twenty eight Acres, and were under the protection of *Ulwene*, then they had two Carucates, now one and half, and paid 5 s.

In the same, two *Freemen*, one of them was under the protection of *Ulwene*, and the other was protected, by one who was protected by the Predecessor of *Malet*, and was half under his protection, they had xv Acres always, 1 Carucate, or always they implied one Plough; Then it was worth 3 s. 4 d. now 5 s.

Here we see the Condition of the ordinary *Freemen* within these three Counties, and there were more here than in all the Counties in *England*; And besides *Owners of Towns* and *Lords of Manors*, there were no other *Land-holders* or *Inhabitants* but these and *Socmen* (if these were not the same) and *Villans*, *Bordars* or *Cottars*, and *Servants* in the Country. But for greater Demonstration of Matter of Fact, I shall briefly pass through them all.

[.] Great Domesday Book, f. 1. b. col. 1.

Chemh [5] *Terra Regis. In dimid. L est de Sudtone in Acheftane Hund.*

R *Ex Willielmus tenet Tarentfort pro uno solino & dimid. se defendit. Terra est xl Caruc. In Dominio sunt ii Caruc. & cxlii Villani cum x Bordar. Habent liiii Caruc. ibi sunt iii Servi & i Molend. &c.*

King *William* holds *Tarentfort*, it is Taxed at one *Solin* and a half, there is forty Carucates of Land, in *Demeasn* ii Carucates and one hundred and forty two *Villans* with ten *Bordars*, they have fifty three Carucates, or perhaps rather fifty three Ploughs, with which they Ploughed their own and the Lords Lands: There are three *Servants* and one Mill.

[.] Ibid. f. 3. a. Col. 1.

Terra [6] *Archiepiscopi Cantuariensis. In Acheftan Hund.*

A *rchiepiscopus Cantuariensis tenet in Dominio Tarent pro ii solinis se Defendit, In Dominio est una Car. & xxii Villani, cum vii Cotar. habent vii Car. Ibi vi Servi & ii Molend. de L sol.*

The

The Arch-Bishop of *Canterbury* holds *Tarent* in *Demeasn*; There is in *Demeasn* one Carucate, and xxii *Villans* with seven *Cottars*, they have seven Carucates or *Ploughs*, there are vi *Servants* and two Mills of 50 s. Rent.

* I am apt to think that this abbreviation Car, or Caruc. when it follows Villani or Bordars, signifies the number of Ploughs they kept, and not the Land, or quantity of it.

A In the whole County of *Kent*, in the Entries of *Towns* and *Maners*, it is very rare to find any other People than *Villans*, *Bordars* and *Servants*, who were all in *Dominio* besides the *Lords* and *Great Possessors*, *Military Men* and *Religious*.

Sudsex [7] *Terra Archiepiscopi Cantuar. in Mellings Hund.*

A *rchiepiscopus Lanfrancus Tenuit Mellinges & est in Rape de Pewensel T. R. E. defend. se pro quater xx hid. sed modo non habet Archiepiscopus nisi lxxv bidas. Quia Comes Moretonii habet v bidas extra Hund Terra totius Maner. L Car. in Dominio sunt v Car. & CC & xix Villan. cum xxv Bord. habent * lxxiii Car. & xliii Crostos.*

C Arch-Bishop *Lanfranc* held *Mellinges*, &c. in the time of King *Edward* it was taxed for fourscore Hides, &c. the *Land* of the whole *Maner* is fifty Carucates. There is in *Demeasn* v Car. and two Hundred nineteen *Villans*, with thirty five *Bordars*, they have seventy three Carucates or *Ploughs*, and forty three *Crosts*.

* Here I should think Car. signifies Ploughs, and not the quantity of Land, the quantity of Carucates differed, sometimes a Carucate might be so large as one Plough could not Till, and sometimes so small as one Plough might Till two.

In this whole County few or no others but *Villans*, *Bordars* and *Servants*, and in *Dominio* as in *Kent*.

So in *Sudrie*, *Hantescire*, and the *Isle of With*, as in *Kent* and *Suffex*, *Villans*, *Bordars* and *Servants* only in *Dominio*.

E So *Berchesfire* as *Sudrie*, *Sudsex* and *Hantescire*, few or no others, besides *Villans*, *Bordars* and *Servants* in *Dominio*, except owners of *Towns*, *Lords of Maners*, and others that held in *Military Service*, either in *Capite*, or by *Mean Tenure*, and *Religious*.

* That is the Arable Land which is always in this Survey called simply *Terra*.

Wiltescire [8] *Terra Regis.*

R *Ex tenet Bromham Comes Haraldus Tenuit pro xx Hid. Geldavit, Terra est x Carucat. In Dominio sunt x Hid. & ibi ii Car. iiii Servi, ibi xliii Villani, vi Bordar. & xxx Co-*

[.] Ibid. f. 1. col. 1. b. Col. 1.

C

ZETS

zets cum viii Carne. sometimes *Cozeis* is written *Cofcez* in this County.

The King holds *Bromham* Earl *Harald* held it, and it was taxed for xx Hides, The Land or Arable Land is ten Carucates. In *Demeasn* x Hides, and there are two Carucates, four *Servants*, There are fourteen *Villans*, xi *Bordars*, and thirty *Cozeis*, with eight Carucates: The *Persons* of these Men were all in *Demeasn*

[1] f. 64b. Col. 1.
* In *Caun* in the same col. and Col. thus, *Cauna* nunquam *Geldabat*, erga ne- scitur quos *hida* sunt ibi.

Rex tenet [9] *Amblesberie* Rex *E.* tenuit, nunquam * *Geldavit* nec * *Hidata* fuit. Terra est xj Carne. In Dominio sunt xvi Car. & lv *Servi* & ii *Coliberti*, ibi quater xx et v *Villani* et lvi *Bordar*. habentes xxiii Carucat. &c.

The King possesseth *Amblesberie* (now *Amesbury* or *Ambsbury*) King *Edward* possessed it; it never was taxed nor cast into Hides, the Arable is forty Carucates, In *Demeasn* there are xvi Carucates, and fifty five *Servants*, and two *Coliberts*, there fourscore and five *Villans*, and lvi *Bordars*, having twenty three Carucates.

Terra [1] *Milonis Crispin. Wiltesiro.*

R *Ainaldus* tenet de * *Milone Hasberie. Lewenot* tenuit T.R.E. Gold. pro v *Hidis*. Terra est v Carucat. de ea est in Dominio i *Hid.* et ibi ii Car. ii *Servi* et v *Villani* et xiii *Cofcez* et ii *Cotar*. cum iii Car. &c.

Rainald holds of *Miles Crispin Hasberie*, *Lewenot* held it in the time of King *Edward*, and it was taxed for five Hides, the Arable is five Carucates, of which there is in *Demeasn* i Hide, and there are two Carucates or Plough Lands, two *Servants*, and five *Villans* and xiii *Cofcez*, and two *Cotars* with three Carucates; that is, all these People had amongst them three plough Lands

In this Shire were *Servants*, *Villans*, *Bordars*, and often *Cofcez* in stead of *Bordars*, and sometimes *Coliberts*, few or no others, except as before excepted in *Kent*, &c. the Entries of all the Towns are after this manner.

Dorsete

Dorsete [2] *Terra Regis.*

[2] Ibid. f. 75. a. Col. 1.

R *Ex tenet Dorcestre, et Fortitone, et Sutone, et Velingham et Frome, Rex E. tenuit* Nescitur quod *Hida* ibi, quia non *Geldabat* T. R. E. Terra est lvi Car. In Dominio sunt septem Car. et xx *Servi*, et xii *Coliberti*, cxliiii *Villani*, Quater xx et ix *Bord.* habentes lix Car. &c.

The King possesseth *Dorchester*, *Fortiton* (or happily now *Fordington*) *Sutton*, *Velingham* and *Frome*, King *Edward* held them, &c. the Arable is fifty six Carucates, in *Demeasn* there are seven, and twenty *Servants*, and twelve *Coliberts*, one hundred and thirteen *Villans*, and fourscore and nine *Bordars* having fifty nine Ploughs, &c. here the Carucates were large, and there was more Ploughs than Plough Lands.

In this Shire in Dominio *Servants*, *Villans*, *Bordars*, and sometimes *Coliberts*, and sometime *Cofcez*, so all the Entries, no *Socmen* or *Freemen* unless very rarely, except as before excepted in other Counties.

Sumerfete [3] *Terra Regis.*

[3] Ibid. f. 86. a. Col. 1.

R *Ex tenet Sudperet* nunquam *Geldabat*, &c. In Dominio ii Car. & v *Servi* & xlii *Coliberti* & lxiii *Villani*, & xv *Bordar*. cum xxvi Car. &c.

The King possesseth *Sudperet*, &c. There are in *Demeasn* two Carucates, and five *Servants*, and xlii *Coliberts*, and lxiii *Villans*, and fifteen *Bordars*, with twenty six Carucates or Ploughs, &c.

In the Entries of this Shire are only to be found *Villans*, *Bordars*, *Servants*, *Cofcez*, and *Coliberts* in Dominio, but most frequently *Servants*, *Villans* and *Bordars*.

In *Devonshire* the Entries are the same, in Dominio, *Servants*, *Villans*, *Bordars*, and sometimes *Cofcez* in stead of *Bordars*.

In *Cornwall* the same Entries throughout, *Bordars*, *Villans*, *Servants*, scarce any others to be found.

c 3

Midelfete

[4] Ibid. f. 192. Col. 1.

Middelsæxe [4] Terra Comitis Rogeri.

Comes Rogerus tenet in Hermodesworde 1 Hid. Terra est 1 Car. ibi est dimid. Car. & dimid. potest fieri, Duo Villani tenent hanc Terram x sol. valuit & valet, Hanc tenuit Alwun homo Wigot, & potuit de ea facere quod voluit, modo jacet in Coleham, ibi non jacuit T. R. E.

[5] Ibid.

Coleham [7] pro viii Hid. se Defendit, Rogerus Comes tenet, Terra vii Car. in Dominio vi Hid. & ibi sunt iii Car. Villani habent iii Car. ibi vi Villani quisq; de 1 virgat. alii quatuor de * ii virgat. Presbyter. 1 Hid. x Bordar. Quisque de v acr. & iii Cotar. & viii Servi ibi ii Molini de lx sol. & dimid. Mol. de v sol. Præt. iii Car. Pastur. ad Pecuniam villa. Silva CCCC Porc. & * Arpenm. Vineæ, in totis valentiis valet viii lib. Quando recepit vi lib. T. R. E. x lib. hoc Manerium Tenuit Wigot de Rege E.

* Every one half a Virgate.

* Arpenm, sometime is half an Acre, sometime an Acre, and the Measure differed according to the diversity of Countries.

Earl Roger holds Hermodworth for one Hide the Arable is 1 Carucate, there is half a Carucate, and there may be made another half. Two Villans hold this Arable, and pay ten Shillings Rent. Alwun the Man or Tenant of Wigot held this Land, and might do with it what he would (that is, use it as he would) now it lies to Coleham, where it lay not in the time of King Edward.

Coleham is taxed for eight Hides. Earl Roger holds it, the Arable is seven Carucates; in Demeasñ there are six Hides, and there are three Carucates, (that is in Demeasñ.) The Villans have three Carucates, there are six Villans, every one hath a Virgate, and there are four others that have two Virgates, a Priest or the Parson hath 1 Hide; There are ten Bordars, every one holds five Acres, and three Cotars, and eight Servants, and two Mills rented at sixty one Shillings, and half a Mill at five Shillings, three Carucates of Meadow, or Meadow sufficient to provide for Cattle of three Ploughs. Pasture for the Cattle of the Town, (that is Common Pasture) Wood for 400 Hogs, half an Acre, or an Acre of Vineyard. The value of all together is eight Pound, when the Earl received it 'twas six Pound, in the Time of King Edward ten Pound, Wigot held this Maner of King Edward.

All the Entries of Towns and Maners are after this Method in this County, seldom, if at all, any others to be found

found than Villans, Bordars, Cotars and Servants, except as before excepted in other Counties and Shires.

Hertfordshire was described after the same manner: In Dominio, &c. ibi sunt, &c. there are Villans, Bordars, Cotars, Servants, and now and then a Socman appears, so in all the Towns of the Shire, and not any other Persons of Quality or name to be found, except as hath been said before.

Bochinghamshire [6] Terra Regis.

[6] Ibid. f. 43. a. Col. 1.

Ellesberia Domicum Manerium Regis pro vi Hidis se defendit, Terra est xvi Car. in Dominio sunt Dua, ibi x Villani cum xiii Bordar. habent x Car. et adhuc quatuor fieri possunt, ibi Duo Servi, et Duo Molini de xxiii sol. In totis valentiis reddit lvi lib. artas et pensatas, et de Thelonio x lib. ad numerum T. R. E. reddebat xxv lib. ad numerum.

Aylesbury the Kings Maner, solely under his power, was rated or taxed at sixteen Hides, the Arable is sixteen Carucates, in Demeasñ there are two, there are ten Villans, with fourteen Bordars, they have ten Carucates, and yet there may four more be made, there are two Servants, and two Mills, of twenty three Shillings Rent; Meadow sufficient for eight Ploughs, and as much more as will Rent for twenty Shillings; In the whole value, it pays fifty six Pounds * burnt and weighed; And for Tol, ten Pounds by Tale; In the time of King Edward it paid five and twenty Pounds by Tale.

* There was always in those times a fire ready in the Exchequer, and if they liked not the Alay of the Money they burnt it, and then weighed it.

So through all this Country in the Entry of every Town, none, or very rarely others to be found than Villans, Bordars, Servants.

Gloucestershire [7] Terra Regis. In Dudestan Hund.

[7] Ibid. f. 162. a. Col. 1.

Habit quidam Tainus Edmarus iii Maner. Hersefell, Athelai, et Sanber, iste homo potuit vendere et dare Terram suam Cui voluerit, pro duabus Hidis se defendebat hanc Terram, in Dominio erant viii Carucat. & iii Villani & iii Bordar. & xxx Servi cum v Car. ibi pratum sufficiens Carucis.

Edmar a certain Thane had three Maners, Hersefell, Atheley and Sanber, he might sell and give his Land to whom he pleased. This Land was rated at three Hides. There were in Demeasñ eight Carucates, and four Villans, and four Bordars,

Bordars, and thirty Servants with five Carucates : There is Meadow for the Ploughs.

Brietric fil. Algar. tenuit Turncherie ibi T.R. E. erant xi Hid. & iiii Car. in Dominio, & xlii Villani, & xviii Radchenistr. cum xxi Carucat. & xxiiii Borda. & xv Servi & iiii Coliberti, ibi Duo Molini, &c.

Brietric the Son of *Algar* held *Turnbury*, there in the Time of King *Edward* were eleven Hides, and four Carucates in Demeasn, and forty two Villans; and xviii Radchenistres with twenty one Carucates, and twenty four Bordars, and xv Servants, and four Coliberts, there are two Mills, &c.

In this Shire no other noted in the Entries of Towns, &c. but Villans, Bordars, Servants in *Dominio*, and sometime Radchenistres.

The same manner of Entry in *Gloucestre* shire, none to be found but men of the Condition.

In *Herefordshire* [8] the same Method, and the same Names and Persons, and no others. In *Dominio*, Villans, Bordars, Servants, and sometimes Ancilla, or Maid Servants, Cotars and Radchenistres.

In *Grentebidge* shire, thy same way of Entry in every Town, but that the Words in *Dominio* are wanting in most places, and they are found thus in every Town almost. There are Villans, Bordars, Servants, Cotars, and sometime Socmen, though but seldom.

Huntedune [9] and *Bedesford* shire [1] generally in every Town are found in *Dominio*, only Villans, Bordars, Servants, and sometimes ibi Villans, Bordars, Servants, and now and then, some Socmen appear.

Northante shire [2] Terra Regis.

R Ex tenet Chetene ibi sunt vii Hida, Terra est xiii Car. In Dominio sunt Duæ, & iiii Servi, & xii Sochmani, & xxiiii Villani, & v Bordar. cum Presbytero tenentes xi Car.

The King holds *Chetene*: There are seven Hides, the Arable is thirteen Carucates, there are two in Demeasn, and three Servants, and xii Sochmans, and twenty four Villans, and five Bordars with a Priest, or the Parson having eleven Carucates, &c.

In

In this Shire the Entries are in *Dominio* sunt Villans, Bordars, Servants most frequently, sometime Socmans, and sometimes ibi sunt, &c.

Leddesfre shire as this.

Warwic shire [3] Terra Regis.

[3] Ibid. f. 238. b. Col. 1.

R Ex tenet Brailes, Edwinus Comes tenuit, ibi sunt xvi Hid. Terra est lx Car. in Dominio sunt vi & xii Servi & iiii Ancilla, & C Villani & xxx Bordars cum xvi Car. ibi Molin. de x sol. & C ac. prati Silv. iii leng. long. & ii leng. lat. T. R. E. Reddebat xvii lib. x sol. modo val. lv lib. & xx summas Salis.

The King holds *Brailes*, *Earl Edwin* held it; there are forty six Hides, the Arable is sixty Carucates, there are six in Demeasn, and twelve Servants, and three Maid Servants, and an hundred Villans, and xxx Bordars, with forty six Carucates: There is a Mill of ten Shillings Rent, and an hundred Acres of Meadow, a Wood three Miles long, and two Miles broad. In the time of King *Edward* it yielded seventeen Pound ten Shillings, now it pays fifty five Pounds and twenty Seam of Salt.

Here in this Shire the Entries are in *Dominio*, Servants, Villans, Bordars; rarely, if at all, any others. *Statford*-shire, as this County: In *Dominio* Servants, Villans, Bordars.

Sciropes shire [4] Terra Episcopi Hereford.

[4] Ibid. f. 252. a. Col. 2.

E Piscopus de Hereford tenet de Rege Lideberte, & tenuit T. R. E. ibi liii Hid. Geld. In Dominio sunt iiii Car. & xxxviii Villani, & iiii Bordar. & viii Radmans cum xxviii Bordar. inter omnes habent xxiii Car. ibi duo servi et Molin. serv. Aulæ & Silv. clx Porc. incassand.

The Bishop of *Hereford* holds of the King of *Lidbury*, and held it in the time of King *Edward*. There are fifty five Hides taxed, in Demeasn there are four Carucates, and thirty eight Villans, and four Bordars, and eight Radmans, with twenty eight Bordars, amongst them all they had twenty three Carucates. There are two Servants, and

one

one Mill which serves the Hall, and Wood sufficient to fat one hundred and sixty Hogs

The manner of Entry through this Shire was in *Dominio*, *Servants*, *Villans*, *Bordars*, *Radmans*.

Derby-scire : The Entries, likewise, in *Dominio* *Servants*, *Villans*, *Bordars*, & *ibi sunt*, &c. & *habet Rex*, *Servants* *Villans*, *Bordars*.

Snoringham scire [5] *Terra Abbatis Sancti Petri de Burgh*.

IN *Colingham* *habet Sanctus Petrus de Burgh*. iv Car. Terra & dimid. *Bovat. ad Geld*. *Ibi modo in Dominio* ii Car. & xxvii *Sochmani* de ii Car. & iii *Bovat. hujus Terra*, & viii *Villani*, & xx *Bordars*. *habentes* xiv Caruc.

In *Colingham* the Abbat of *Peterburgh* hath four Carucates of Land, which he Rents out : There are now in Demeasn two Carucates, and twenty seven Socmen that have two Carucates, and three Bovates of this Arable, and eight Villans, and twenty *Bordars* that have fourteen Carucates.

In this Shire, the Entries of the ordinary Inhabitants throughout are in *Dominio* *Socmen*, *Villans*, *Bordars*, as in *Derby shire*. The Socmen generally held small parcels of Land, as half a Carucate, a Bovate, &c.

Roteland scire as *Snoringham-scire*.

Eurwic scire.

In this [6] Shire the Entries are generally as to Persons, in *Dominio sunt* *Villans*, *Bordars*, *Sochmen*, And *habet*, as *Rex habet* *Servants*, *Socmen*, *Villans* *Bordars*, seldom any others, except as before excepted, in *Kent*, *Sussex*, *Surrey*, &c.

In all Counties of *England*, whose Land soever it was, whether it was the Kings Land, Church Land, or possessed by Earls, Barons, Knights, or other Military and Secular Men, in every Town and place these sort of Men were the * Inhabitants, and those that occupied, used or managed the Land, under the Owners of the Towns, or Lords of Maners, who held of the King immediately, or mediately, as appears by this Survey, or great Record.

By

By which it is most evident, that most of the Lands in *England* were holden by *Military Service*, or *Serjeanty*, and in *Villanage* of those *Military Tenants*, and Tenants in *Serjeanty* : For all these Persons of divers Denominations, which afterwards received other and fewer names, were but several sorts of *Villans*, (as will hereafter appear in the Glossary) and held their Lands by *Bale* and *Servile Tenures*. There was at the time of making the Survey, no *Free Socage*, if there had, it would have been entred, as the Land holden in *Alodio* was, for *Hidage*-sake : Nor *Frank Free*, that is, Land holden without performance of any Service, such as we now call most of our *Free-holds* ; unless some small parcels that belonged to some Parish Churches, especially in *Sussex*, which is called *Terra libera*, or *Burgage-tenure*, or the Land holden in *Alodio* in King *Edwards* time, or afterwards was such, of which there is here and there a *Town* or *Maner*, a *Hide* or *Carucate*, &c. so holden in the Survey. I will give one Instance of it.

Hantescire [7] *Tainorum Regis*:

A *Lwi filius Sauls tenet de Rege Tederleg. Pater ejus tenuit in Alodio de Rege Edwardo, Tunc & modo Geld. pro iii Hid. Terra est iv Carucat. in Dominio sunt Dne. & ii Villani et ix Bordars. cum ii Caruc. ibi ii Molin. de xxvii sol. et vi d. et xxvi acr. prati. Silv. de xxx Porc. valuit lx sol. modo xli*

Alwi the Son of *Sauls* holds *Tederley* of the King, his Father held it as *Alodium*, *Frank Fee*, or *Free-land*. Then and now it was, and is taxed for three * *Hides* : The Arable Land is four Carucates, there are two in Demeasn, and two Villans, and nine Bordars with other two. There are two Mills Rented at 27 s. 6d. and twenty six Acres of Meadow, Wood for thirty Hogs, it was worth sixty Shillings, now forty. This *Alwi* was one of the Kings ordinary *Thanes* or *Servants*, and held this Town in *Serjeanty* which might be consistent enough with the Tenure in *Alodio*, and such Lands are now reputed *Free-hold*, but these were not in the hands of *Socmen*, *Villans*, *Bordars*, *Cotars*, *Servants*, and the like.

Nor were many of them in their own hands (as we may phrase it) or in their own Power, for such as were in *Dominio* (and in most places it was so) were the *Lords proper* Men, wholly under his *Power* and *Disposal*, both in Body and Goods

[7] Dom. f. day, f. 50. a. Col. 1.

* *Alodium* always paid *Hidage* as other Land. See *Alodium* in the Glossary to my Introduction, f. 1.

Goods (except Life and Death) and were fixed to the Manner, so as they could not remove themselves out of the Precincts of it, without his leave. These sort of Men *In-gulph*, in the Latin Version of King *Edreds* Charter to the Abbats and Monks of *Croyland*, calls *Nativi*, a word afterwards used with us, the worst sort of Villans and *Bondmen*.
Et precipio quod omnes homines Fugitivi, quos iidem Monachi & Testimonium Quatuor vel quinque hominum fide-dignorum, coram vicecomite in Patria, in qua tales manent, possunt Affidare suos nativos esse, reducantur per eundem vicecomitem, in Abbathiam eorum cum omnibus catallis & sequelis eorum, omnium Reclamatione & Reluctatione, abinde remota & annullata. And I command that all *Fugitives*, which the Monks, and four or five Credible Witnesses can prove were their *Natives* (that is, born *Bondmen*) before the Sheriff of the County, where such *Fugitives* are, they shall be brought or sent back to the Abby with all their Goods and Children, without Let or Hinderance of any Man. This Charter bears date in the Year 988, and shews the Condition of Bondmen in the *Saxon* Times, and hereafter we shall see what they were after the Conquest, when their names were changed, as by the Glossary will more at large appear, to which I shall refer the Reader, for the knowledge of their Condition likewise, and how many ways that might be bettered and changed, shall be our next Inquiry.

These *Bondmen*, or People of *servile* Condition, might and did procure the Freedom of their Persons [9] several ways, First, by the favour of their Lord or Patron, if he released their *Bondage* for him and his Heirs, or did give, or sell him to another to be released. But no *Bondman* could purchase his Liberty with his own Money, if he did, his Lord might by the Law and Custom of the Land, bring him back again into *villennage*, because all his Goods and Chattels were his Lords, or so in his Power, that with them he could not redeem himself. But if a Stranger would Purchase him with his own Money, and make him Free, then he might for ever defend his Liberty against his Lord, and plead his *Release* by Chart, (that is, his Deed in Writing) or by any other way the Law allowed; and Tryal by Duel was allowed in this Case after he was a Freeman, if any one that saw him made Free, would be his Champion, and come into Court and assert and prove his Liberty by his Body.

Yet

Yet [1] such a *Freedom* as this was only good against his Lord, for if he was produced as a Witness in Court against a Stranger, or to wage Law, he might object against him, that he was born a Villan (that is, descended from Bond or Villan Parents) and if it were proved, he might justly be set aside, although he was made Free by Knight-Hood, which was a second way of redeeming Men from Servitude.

A third way was, [2] if a *Bondman* lived quietly a year and day in any privileged Town, so as he was received into the Common * Gild, as a Member of it; That made him Free from Villenage.

A Fourth way was by Exchange, when *Base* and *Vile* Services were turned into *Rent*, and that was advanced and paid, *pro omni Servizio*: This put the Villan out of all Servitude, especially as to his own Person, for if the Lord had no Service to command him, but the payment of his Rent, he was free. This is co-incident with the first way, by purchase and favour.

And that there were many manumitted by Grace and Favour of their Lords (conditionally at least, upon their desire to serve them in the Army) it cannot be doubted, by any man that doth consider, the Usurpations of *William Rufus*, and *Henry* the First, upon their Elder Brother *Robert*, and the long Civil War that attended them; The Usurpation of King *Stephen* upon *Maud* the Empress and her Son King *Henry* the Second, and eighteen years Wars between them, and the War and Differences between King *Henry* the Second, and his Son *Henry*: The Barons Wars in the Reigns of King *John* and *Henry* the Third: But that the Barons and Military Men, and the Bishops and Clergy did Manumise and make Free many of their Clients, Bondmen and Villans, and did make their Tenures more easie to draw, and fix them to their Interest and Party.

Lastly, *Time* and *Desuetude* have made the most Free; Villenage at this day being rather antiquated and disused, than nulled and taken away by Law; for when Free-men or Customary Tenants, grew wealthy and able to stock a good parcel of Land themselves, or were of such Credit, as the Lords could trust them with their Stock, they then turned their Lands into Farms, and instead of Works and Services, reserved Rent in Money, Corn or otherwise, and left the improvement to the Farmer, who took to his own use, what he could make more of his Farm than he paid to the

d 2

Proprietor,

[.] Ibid.

The second way of being made Free.

The third way. [.] Ibid. * That is, was either Alderman, of Common-Council-Man, for the Magistrates and chief Citizens were properly the Gild or Corporation, and transacted the Affairs of Corporation. the fourth way.

The last way.

Labour-
in our
are
men in
of
wretch-
people.

Proprietor, so that the Lords had no need or use, for so many Customary Tenants to Plough their Lands, &c. Cotars, Servile People, and poor * miserable Laborers as before; and they were glad to work for small Wages, little more perhaps than for Meat and Drink, rather than to be under immediate Servitude to their Lord; for it cannot be thought, though their Servitude, as to the Correction or their Bodies, and other Severities was lessened, but that still they remained in a Servile State, and that the Lords commonly turned over their Works to their Farmers, who looked better after them than they could do, and saw they laboured more, and loytered less; yet if they otherwise used them inhumanely, or made their Conditions such as might not be indured without extreme misery, they had a Remedy against these by Law, which they could not have against their Lords. And in time, and by degrees they insensibly crept into more Liberty, as there was less occasion for their Services; and at length perhaps it was almost as much trouble to look after them, as their Work was worth, by which means Villenage became more and more casie, until at last it was almost worn out, and not regarded; and many small Victuals, Rents, Fowl, Capons, Hens, Eggs, &c. and small Rents in Money, Pence, Half-pence, Farthings, Half-farthings, that the poor Villans paid, were neglected and lost; and the Way and Manner of Living of the Nobility, Gentry and Proprietors quite altered and changed. And more within the last Hundred and fifty years than in all the time after the Conquest: For since Foreign Trading, Commerce and Merchandising hath so much increased, the Delicacy, Softness, Pride and Luxury of the People have proportionably grown up with them, and were at first in a great measure brought into this Nation with them.

But all this Freedom obtained by Bondmen, or the Freedom of others who were born Free, and were Heirs to, or had Purchased a small parcel of Land of Socage tenure, (that is, privileged from Services,) was only personal; they were not indeed Bondmen, as to their Persons, they were Free from Servile Works and Services, or if they performed any, (as many of them did) they were known, certain and casie. They neither had, nor pretended to, for several hundreds of years, that Liberty, nor those now esteemed Priviledges, then thought Burthens, which those sort of men are possessed of, and now enjoy.

For

For first, though their Persons, and Issue of their Bodies were Free from Servile Works, and they were not Bondmen (which was the only and true notion of those Freemen) in those times, yet they were not all together, (*Suifuris*) for as to the Government, and for the keeping of the Kings Peace, all the Freemen or People in England were Bondmen; either in their own Persons, or by their Fidejussors, and such as undertook for them, and were [3] bound ten Masters of Families one for another, for their own keeping the Peace and Good Behaviour, as likewise for their Children, Servants and Families, except Clerics, Knights or Tenants in Military Service, their Wives and Children, and these Men so Bound were called Free Pleges; and perhaps this Old Law is not so much out of force, but that Sheriffs in their Turns, and Lords of Manors in their Leets, may put it in practice, if there should be necessity of doing it.

Secondly, The serving on Juries, at the Assises and Sessions, and that, and their Suit and Service to or in County and Hundred Courts which now is accounted a great privilege, and their Birth-rights, when they have a mind to do mischief, was in the times we Write of, esteemed a Burthen, from which all Tenants in Ancient Demeasins were Free by Tenure, all or most Abbies and Monasteries by Charter, and many particular [4] Persons, as Knights and others purchased of the King Charters of Exemption from being Impanelled in Assises, Juries and Inquests, which they would not have done, had they not thought it a Burthen; and at first these sort of Men were forced, upon this kind of Privilege or Birth-right, as appears in the Glossary to my Introduction, &c. f. 61. 63, 64. And further, if these men had been so considerable then, or there had been any numbers of such, what need was there, in these times, to summon the Lord: [5] Reeve or Baili, (who was commonly no other than one of the best sort of his [6] Villans or Bondmen) and four Men of every Town to make answer in Pleas of the Crown in Turns, and in Pleas of the Forest with Arch-Bishops, Bishops, Earls, Barons, Knights, Free-tenants (that is, Tenants in Military Service that were not Knights) which had Lands and Tenements within the Bounds of the Forest, in the County where they summoned; I say, if these had been Men of any note, or there had been any number of them, what need other Persons to have been summoned after all the Free-holders that had Lands in the Forest, &c.

Thirdly,

[3] LL. E. shored in
Lambar. c. 1.
Magna Charta.
c. 15. Bracton.
p. 124. b. Britton.
c. 29. p. 71.
b. & p. 73. b.
The Glossary
to my Introduction,
&c. f. 55. E. and
f. 56. through-
out.

[4] Stat. of
Maclebour.
c. 4. s. 2.
Item 3.

[5] See the
Glossary to
my Introdu-
ction. f. 57.
H. 8. &c.

[6] See the
Glossary here,
in the word
Prapstour or
Reeve.

The General Preface.

Thirdy, In an [7] Attaint brought against a Petty Jury for a false Verdict in these times, and the Fact proved and found; They were to forfeit all their Goods and Chattels, their Lands and Tenements were to be taken into the Kings Hands; Their Houses were to be Demolished, their Trees digged up by the Roots, and their Meadows ploughed up: Surely these were men of more considerable Estates, that were presumed to have Meadows and Timber, or Trees upon their Lands, than the ordinary Free Socagers of those times, or the Free-holders of ours, that can Swear for a Friend, that a Shed, or a House with a Chimney, worse than a Shed, and a Rod, or half an Acre of Hempland, with one Pear-tree, or Apple-tree upon it, is worth forty Shillings a year.

Having considered the Quality of our Ancient Free-men, and ordinary Free-holders; I shall consider what Liberties were contended for in these times, who contended for them, and who were capable of them, or could receive the Benefit of them; And how, or in what manner they were claimed. I take it for granted, that it will not be denied, that *Magna Charta* was the summ of the Liberties desired, and how that was obtained, I refer the Reader to the Reign of King *John*.

The *Factions Bishops and Church-men*, and the *Seditious and Dissolute Barons* made a noise for King *Edwards Laws*. But what they were it is now a hard matter to know. Those put forth under his Name, with Mr. *Lambards Saxon Laws*, were none of his, they are an incoherent Farce and mixture, and a heap of non-sence put together by some unskilful Bishop, Monk or Cleric many years after his Death, to serve the Ends and Designs of the present Time. In the 11th Law, *Tit. de Danegeldo*, there is the Story of Duke *Roberts* pawning of *Normandy* to his Brother *Rufus* toward the latter end of his Reign, when he made his Voyage into the Holy Land. In the 35th Law, *Tit. de Greve*, there seems to be a Reference to the Assise of Arms, made in King [8] *Henry* the Second's time, in the whole Rude Mass, the words, *Comites, Barones, Milites, Servientes, Servitium, Villanus, Caltalla, Mannutene*, and many other Norman words are to be found; All these are pregnant Arguments, they were framed after the Conquest; And of this Opinion was Sir *Henry Spelman*, [9] *In legibus Edwardi Confessoris, Baro saepe occurrit, sed has ipsas nobis porrexit Normannus Quispiam, nam & pluribus*

The General Preface.

XXXI

bus aliis dictionibus scaten Normanicis. In the Laws of *Edward* the Confessor, the word *Baro* often occurs, but these some *Norman* contrived for us, for they abound with other *Norman* words.

There is another * Copy of these Laws which *Inglulph*, says he, brought with him to his Monastery of *Croyland*. The ordinary men received not much advantage by these, unless to be severely punished for their Transgressions, and bound to servitude was a Benefit: What these Laws were, and how adapted to the Liberty of the ordinary Free-men, see my Answer to *Argumentum Antinormanicum*, f. 253, 254, 255, 256, 257, 258, 259, 260, 261.

The first direct demand of these Laws was, when *Henry* the First made a wheadling [1] Speech to the Clergy and Great Men, to perswade them to consent to his usurpation upon his Brother *Robert*, who then told him, That if he would Confirm by his Charter the Laws and Liberties, that flourished in the Kingdom, in Holy King *Edwards* time, they would consent he should be King: To which he agreed; And then says the [2] Monk, he granted the Liberties under-written to be observed in the Kingdom for the Exaltation of Holy Church, and the Peace of the People, which Charter is to be found in the [3] Appendix intire and it was perfectly a Relaxation of some severities which had been here introduced into the General Feudal Law of Europe, and nothing else; and none but a Tenant in Military Service, his Widow or Children could take any advantage by it. All the Witnesses to this Charter were *Great Normans*, and I remit my Reader to the Translation, and what I have said of it, in the same [4] Answer to *Argumentum Antinormanicum*.

This Charter *Henry* the Second confirmed in the first or second year of his Reign, by a Charter of his [5] own, which being short, I will here Translate, and the rather because it shews us to what Persons he granted this Confirmation. "Henry by the Grace of God, King of England, &c. to his Barons and Feudataries, * French and * English, Greeting: "Know ye that to the Honour of God, and of Holy Church, "I have Granted and Restored, and by this my present Charter have Confirmed to God and Holy Church, and to all Earls and Barons, and to all my [6] Vassals or [7] Tenants, "all those Customs, (that is Laws) which my Grandfather Gave and Granted to them; in like manner also those evil Customs or Laws which he Remitted and Abolished, I do "Remit

* Sir Ed. Coke says, William the Conqueror composed the summ of these into a Magna Charta, which was the Ground-Work of all those that followed. Preface to his 8. Report.

[1] Mat. Paris, f. 55. n. 10.

[3] N. 102, fol. 119.

[4] F. 261, 266, 267, 268, 269.

[5] Append. n. 40. and fol. 40. which see.

* See Angli. Angli, in the Glossary to my Introduction, &c. And Feudal and Fideles there. [6] See there, f. 66. lin. 1.

"Remit and Grant they shall be Abolished for Me and my Heirs; wherefore I will and firmly Command, that Holy Church, and all Earls and Barons, and all my Tenants may have and hold freely and quietly, well and in peace, and wholly or inwiredly, all those Customs and Grants, and Liberties, of Me and my Heirs, to Them and their Heirs, as freely, quietly and fully in all things, as my Grandfather King Henry Gave and Granted, and by his Charter confirmed them, Witness Richard de Lacy. Here we see none but Holy Church, the Earls and Barons, and Kings Tenants and Vassals could receive the benefit of this Confirmation of Charter, as will more evidently appear, from the consideration of King John's Charter.

On the 20th of July 1213. King John was [7] Absolved from his Excommunication, and at his Absolution he made [8] Oath, "He would Love, Defend, and maintain Holy Church and the Clergy against all their Adversaries, to the utmost of his Power; That he would recall the good Laws of his Ancestors, and especially those of King Edward, and abolish the wicked ones; That he would Judge all his Men or Tenants, according to the just Judgment of his Court.

On the 25th of [9] August, the Arch-bishop met the Bishops, Abbats, Priors, Deans and Barons at London, at St. Pauls, where he told them, what Oath the King had taken at his Absolution, and that he had found the [1] Charter of King Henry the First, which was read to them, and they all Swore, that upon a fair opportunity, they would strive to Death for those Liberties, and the Arch-Bishop promised his most faithful Assistance to the utmost of his Power.

In September [2] the next year the Barons met at St. Edmunds Bury, under pretence of Prayer and Devotion, where the Charter of King Henry the First was again produced, the same they received from Stephan Arch-Bishop of Canterbury at London, which contained Laws and Liberties Granted by King Edward to Holy Church, and the Great Men of England, with some Addition of his own. Here they all Swore upon the great Altar, That if the King refused to Grant them those Liberties, they would make War upon him, and withdraw themselves from his Fealty, until he should by Charter sealed with his Seal Confirm all they Demanded; and they agreed, that at Christmasts they would all go to the King together, to Demand the aforesaid Liberties might be Confirmed, and

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E

F

in

[1] Reign of
King John, f.
F.
[2] Ibid. 48.

[3] Ibid. f.
B. C. D.

[4] There
is there
said, and
the same as
the Appen-
above.

[5] Ibid. f.
A. B. C.

in the mean time to provide themselves with Horse and Arms, that they might compel the King to make good his Oath made at his Absolution.

They kept their [3] time, and came to the King at their time appointed, and demanded the Confirmation of the Liberties and Laws of King Edward; Cum aliis Libertatibus sibi, & [4] Regno Anglie, & Ecclesie Anglicane concessis, with other Liberties Granted to them, the Secular and Ecclesiastic States of the Kingdom, as they were contained in King Henry's Charter. The King desired respite until the close of Easter, That he might consider in so weighty a Matter, how to secure his Crown and Dignity; and being startled at their appearance in such a manner, found Sureties, the Arch-bishop of Canterbury, the Bishop of Ely, and William Marshal, who engaged with him, that on the day prefixed he should with Reason satisfy them.

In Easter [5] Week they met at Stanford with Horse and Arms, and had drawn into their Party almost all the Nobility of England, who made up a very great Army, in which there were numbred 2000 Knights, besides other Horse-men and Foot, the Barons that were the chief Incendiaries, were in number forty four, there named, and every one of them of Norman Extraction, under their Head Stephan Arch-Bishop of Canterbury.

At that time the King was at [6] Oxford expecting their coming: On Monday after Easter they Rendezvoused at Brackley in Northampton Shire, to whom he sent the Arch-Bishop of Canterbury, and William Marshal Earl of Pembroke, with other Wise men to know what Liberties they desired: And they delivered unto them a Schedule in Writing, which for the most part contained the Ancient Customs of the Kingdom, Affirming, That if the King would not forthwith Grant and Confirm them under Seal, they would compel, by seising his Castles Lands and Possessions. They brought the Schedule to the King, and read to him all the Articles contained in it, which when the King heard, he in fury asked, Why the Barons with those unjust Exactions, did not demand the Kingdom? and said they were vain things, without Foundation, and affirmed by Oath he would never Grant such things as would make him a Servant or Slave.

The Arch-Bishop and William Marshal [7] returned to them, and acquainted them with what the King had said, they immediately chose Robert Fitz-Walter their General, and

[3] Ibid. fo.
499. D. E.

[4] Regno &
Ecclesie, the
same with
Regno & Sa-
verdotio.

[5] Ibid. f.
499. A. B. C. D.

[6] Ibid. E. F.

[7] Ibid. f.
499. A. B. C. D.
&c.

e

gave

gave him the Title of the *Marshal of the Army of God*, and of *Holy Church*, and possess themselves of *London* by the Assistance of the Rich Citizens, and then sent Letters to the *Earls, Barons or Knights*, that really or seemingly adhered to the King, exhorting them with Threats, That if they would not desert the *perjured King*, (as they called him) and faithfully close with them in asserting their *Liberties*, they would proceed against them as Public Enemies, beat down their Castles, burn their Houses, and destroy their Warrens, Parks and Hortyards. Upon these Menaces most that pretended to be the Kings Friends, left him, and went to *London* and confederated with them. The King seeing himself thus deserted, a Day of Meeting was agreed between them for a Conference at *Runevede*, a Meadow between *Windsor* and *Stanes*, where both Armies [8] were drawn up, and the King seeing no probability of his prevailing by Arms, Granted the Laws and Liberties they desired, and the Witnesses to these *Charters* or *Grants* were all of *Norman* descent; No *English Saxons* amongst them.

We see all these *Liberties* and *Laws* were the *Grants* and *Concessions* of our Antient Kings, and no otherwise demanded, nor other *pretences* made to them; and the only *Security* desired was, that they might be sealed with their *Seals*. And as Sir *Henry Spelman* tells us, what was [9] determined by King and Council in that Age, and Confirmed by his Seal, had without doubt the force of Law.

This Charter of King *John*, as to the Main of it, and what the *Barons* contended for, was only a *Relaxation* of the *Fendal* Military Law, and was contrived, and Granted chiefly for the ease of Military Men; such were all *Barons, Knights*, and considerable *Free-holders* at that time. This appears by the Body of the Charter it self, notwithstanding what hath been ignorantly and maliciously said to darken it, and that the *Barons*, who caused it to be drawn up, never intended it should be of much advantage to ordinary *Free-men*, or *Free-holders*, clearly appears by one Article at the very close of it. 1. All the foresaid Customs and Liberties which we have Granted to be holden in our Kingdom, as much as it belongs to us, toward our *Men* or *Tenants* of our Kingdom; our *Clerics* and *Laics* shall observe, as much as belongs to them toward their *Men*: *Quantum ad nos pertinet, erga homines nostros tam Clerici quam Laici nostri observent erga homines suos*. The Persons which are expressed by *homines*, in respect of the

the *Clergy* and *Laity*, which could not be Subjects in general, were of the same Condition with those expressed by *Homines* in respect of the King, that is, *Fendal*, or *Military* Tenants, and this gives us a certainty to whom the Charter was Granted. If by *homines* it was intended, that ordinary *Free-men*, and mean *Free-holders* of those times were designedly to receive the benefit of this Charter, yet their being *homines*, shews their mean Condition at least, and that they were under some sort of Servitude, and men of no great consideration, nor most certainly the Governours or Rulers of the Nation. By *homines* in this Paragraph, we may understand what the *homines* were, that are mentioned in King *Henry* the Seconds Charter of Confirmation of his Grandfathers Charter above mentioned. They were the same Persons, his *Military* or *Fendal* Tenants, or his *Men*, *Homines sui*, and I shall here note that the *Earls* and *Barons*, by whose advice 'tis said in the Preamble, he granted this Charter, were all *Normans* by Descent, and several of the *Bishops* derived from *Foreigners*.

From the *Magna Charta* of King *John* we pass on to the *Magna Charta* of *Henry* the Third. The King in the 9th year of his Reign wanted [1] Money for the Recovery of his own Rights, and the Rights of many *Earls, Barons*, and others beyond the Sea. The Kings *Justiciary* propounded in Parlement, a fifteenth part of all the *Moveables*, both of *Church-men* and *Lay-men*, as a sufficient sum for effecting that Affair. The *Arch-Bishop*, and all the *Bishops, Earls* and *Barons, Abbats* and *Priors*, deliberated a while, and returned their Answer to the King, That they would readily Gratifie his Request, if he would Grant to them their long desired *Liberties*. The King Complying with them, *Charters* were forthwith written and sealed with the Kings Seal, and directed into every County, and *Mat. Paris* [2] says, That the *Charters* of both Kings, viz. *John* and *Henry* were the very same, & in *Nulla dissimiles*; that is, there was no Alteration made in this of King *Henry*, from that of King *John*. And in the Parlement, in the 37th of *Henry* the Third, when Excommunication and Cursing were so solemnly pronounced against the Infringers of *Magna Charta*, 'tis said, The Charter which his Father King [3] *John* had Granted was produced, and read before them, which the King Regranted. Also in the 47th year of his Reign, when the Differences between the King and *Barons* were Referred to the King of

[1] Reliqui of Hen. 3. f. 335. A.

[2] Fol. 321. lin. 27, 28.

[3] Ibid. f. 867. n. 10.

Bld. f.
n. 10.

France, 'tis said, That by his Award he damned the Provisions made at Oxford, but did not intend thereby in the least wholly to diminish [4] King John's Charter, which was Granted to the University, that is, the Community of England, Hoc excepto quod antiquæ Chartæ Regis Johannis Angliæ, Universitati concessæ, per illam sententiam in Nullo intenebat penitus derogare. Any man would think Wendover, Paris and Rishanger, were competent Witnesses of the Identity of these Charters, being all Historiographers to the King Successively, and living in his Reign, and all Monks of the Monastery of St. Albans; where in the Archieve, they had without doubt Copies of these Charters, if not the Charters themselves under Seal. They are not Entered upon Record in any Rolls in the Tower, that I could find or have seen in either of these Kings Reigns.

] Rot. Stat.
i. 1. 3. m. 40.

But certain it is, the very Charter made in this 9th year of Henry the Third, dated at Westminster on the 11th. of February, is upon [5] Record by Inspectimus, and was confirmed by Edward the First on the 12th day of October, in the 25th year of his Reign. And that it was then made, besides its being upon Record, it is very evident from the Christian Names of the Bishops, living at that time.

] Claus. 37
f. 3 m. 9. Dors.
de Magna
Charta tenen-
da.

King Henry in the 37th of his Reign, about five Weeks after the Denuntiation of Excommunication, and a Curse against the Infringers of this Charter, as above mentioned, declares to whom he Granted it, saving to himself and his Heirs, the Rights and Dignities of his Crown, [6] Rex vicecom. Somerset & Dorset Salutem. Scias quod ad instantiam Prelatorum & Magnatum Regni nostri, Concessimus quod Magna Charta nostra de Libertatibus, Prelatis & Magnatibus, ac aliis liberis hominibus regni nostri concessa, de cetero rata & stabili perseveret, & quod omnes Articuli in eadem Carta contenti & expressi inviolabiliter observentur. Salvis nobis, & heredibus nostris, Juri & Dignitatibus Coronæ nostræ, & Baronibus nostris & Magnatibus, & aliis nobis Subiectis, Libertatibus, & liberis suis consuetudinibus, prius usitatis, non expressis vel concessis in Charta predicta, &c. Saving to his Barons and Great Men, and others his Subjects, their Liberties and Free-Customs they had used, not expressed and granted in this Charter. And in another Record it appears, who the Free-men were, to whom, and for whose advantage the Charter was chiefly made. [7] Ad hæc de unanimi assensu & voluntate nostra, Edwardi filii nostri, Prelatorum, Comitum, Baro-

] Cart. 49
f. 1. 3. m. 4.

Baro-

Baronum, & Communitatis Regni nostri, concorditer Provisum est, quod Chartæ * Antiquæ Communium Libertatum, & Forreſtæ Comitatus Regni nostri dudum concessæ, in quarum violatores ad petitionem nostram sententia Excommunicationis dudum lata est, & per sedem Apostolicam confirmata, observentur in perpetuum. Further of the unanimous Assent and Will of Us, our Son Edward, the Prelates, Earls and Barons, and the Community of our Kingdom, it was Ordained, That the Ancient Charters of Common Liberties, and of the Forests, long since granted to the Community of our Kingdom, (against the Breakers of which, at our Request, the sentence of Excommunication hath been pronounced, and confirmed by the Pope) should be for ever observed: Now that the Tenants in Capite or Military Tenants were the Community of the Kingdom, I have sufficiently evinced in the Glossary to my Introduction, &c. fol. 27 &c. And by, and through them, or by their means others enjoyed the advantage of these Liberties. For toward the close of this Charter in the Record, 'tis said, * Omnes istas Consuetudines, & Libertates predictas, quas Concessimus in Regno nostro tenendas, Quantum ad nos pertinet, erga nostros observemus; & omnes de Regno nostro tam Clerici, quam Laici observent, quantum ad se pertinet erga suos. All those Customs and Liberties aforesaid, which we have Granted to be holden in our Kingdom or Government, in what belongs to Us, we will observe toward Ours, and all of our Government or Kingdom, as well of the Clergy as Laity in what belongs to them, shall observe the same towards theirs. This is the same Clause, and of the same meaning with that which hath been taken notice of toward the close of King John's Charter. And erga nostros and suos here, are of the same Import with erga Homines nostros, and erga Homines suos, there. And the very last Clause of King John's Charter of the Forest, is in the same [8] Words and Syllables, with these of the Record here cited. And further, those words, the Omnes [9] de Regno nostro Clerici & Laici, cannot be meant of all the People of the Nation, or every individual Free-man, or Inhabitant of the Kingdom; But of such only, who had others under them, that belonged to, and had some dependency on them, by Tenure, or otherwise. Those were the omnes, &c. here intended.

The Matter of Fact before this Confirmation was thus: Edward the First was Engaged in a War with the French and the Scots; [1] The last of which he had subdued, and brought

* So called in respect of Oxford Provisions, which were made in the 40th of his Reign, and the Ordinances made in the 48th of his Reign, in the Month of June at London, referred to the beginning of this Charter.

* Rot. Stat. i. 1. 3. m. 40.

[8] Append. f. 140. A.

[9] See the Glossary to my Introduction, &c. f. 24, 25.

[1] Wallingf. f. 63. n. 40. Mat. Westm. f. 418. n. 30.

brought their King *John* Prisoner to the Tower. The King of France the mean time entred *Gascony* with an Army, and affronted him by divers other ways and means: At his return from *Scotland*, the King on the morrow after *All Souls*, on the 3d of *November*, according to *Walsingham*, or on the Feast of *St. Martin*, on the 11th of the same, according to *Mat. Westm.* held a Parlement at *St. Edmunds Bury*, to raise Money to maintain the War against *France*; [2] *In qua à Civitatibus & Burgis concessa est Regi octava, à populo vero reliquo duodecima pars bonorum.* In which the Citizens and Burgesses granted him an Eighth, and the rest of the Laity, (that is, the Barons and Knights of Shires) granted him a Twelfth part of their Goods. *Clerus ob constitutionem Bonifacii Papæ hoc anno editam, quæ prohibet sub pœna Excommunicationis, ne Tallie vel Exactiones à Clero per seculares Principes quocunq; modo exigantur, vel eis salvantur de Rebus Ecclesiæ, Regi pro Guerra sua petenti subsidium Denegavit.* The Clergy denied the King a Subsidy toward his War, by reason of a Constitution of *Pope Boniface* published this year, by which Secular Princes were prohibited to require any Taxes or Talliages of the Clergy, or they to pay any to them, upon pain of Excommunication.

But that upon Deliberation they might give the King a better Answer, he deferred this Business until the next [3] Parlement, which was to be holden at *London*, on the morrow after *St. Hilary* (that is, *January 14th*). In the mean time, [4] the Monk of *Westminster* says, the King caused the Barndoor of the Church-men to be locked up.

At the * time appointed the Parlement met at *London*, and the Clergy persisting in their Denial of a Subsidy to the King, he put them out of his Protection, seized their Goods, and prohibited the [5] Lawyers to Plead for them in any of his Courts. And as a Composition to be restored, many [6] gave a Fifth part of their Goods: The King found the *Arch-Bishop* very stiff in this Business, and therefore seized all his Lands, and caused the Debts he ought in the Exchequer to be levied upon his Goods, for he by consent of the Clergy, had procured the Inhibition, that they should not assist the King with the Church Revenues.

The King [7] summoned all that ought him Service, and all that had twenty pound Land by the year, to meet him at *London* with their Horse and Arms, upon the first of *August*, to pass with him beyond Sea, and to receive his pay:

[8] When

A. D. 1196.
14 Ed. 1.

[2] *Walsingham*
at *Westm.* and
n. 50.

[3] *Ibid.*

[4] *Westm.*

* 25th Ed. 1.

[5] *Ibid.* f.
429. n. 30.

[6] *Walsingham*
f. 49. n. 30.

[7] *Ibid.* f. 69
n. 50.

[8] When they met, the King Commanded his Marshal and Constable, the Earls of *Norfolk* and *Hereford* to Inroll and Order the Militia; they deny to do their Duty, and in behalf of the Community demand a Confirmation of their Liberties contained in the Great Charter, and Charter of the Forest and make other new Demands, that they might not be Taxed without their own Consents, &c. (which new Demands were Granted in the Statute de Tallagio non Concedendo, in the 34th of his Reign) But at that time was willing only to renew the Charters, for [8] which he required the * Eighth part of the Goods of the Laity, which was presently Granted by such as stood about him in his Chamber; He then received the *Arch-Bishop* into Favour, and Restored his Lands, and required a Subsidy of the Clergy, who answered, They would write supplicatory Letters to the Pope to give them leave to do it.

The King of France the mean while had led an Army into *Flanders*, and wasted the Country, and reduced the Earl to great necessity, who sent to the King for Relief as being his Confederate. The Marshal and Constable told the King it would be no advantageous Expedition to him, and that they were not bound to that Service, however he shipped himself with 1800 Horse, and a great Body of Foot, on the 23d of *August* to the relief of *Flanders*. [9] He was no sooner gone, but the two Earls and a Troop of Barons after them, went to the Chequer and forbad those Barons to levy by the Sheriffs this Eighth part, because they had not given their Consents, without which no Tallage could be imposed upon the People, whom they had made their own, and drawn in the [1] Citizens of *London*, to stand with them for their Liberties. These Tumules much affrighted the People, and amused Prince *Edward*, his Fathers Vice-Roy, so that by the perswasion of some of the Great Men he [2] renewed the Charters. This was done on the 12th of *October*, in the 25th year of his Fathers Reign, as we have noted before, and they were signed by him at *Gant* in *Flanders*, on the Ninth of *November* following. *Walsingham* says he did it, in compliance with the wickedness of the times: *In arcto* [3] positus cedendum Militie Temporis consuit. On the 15th of *September* the Prince issued the [4] Writs to the Sheriffs of every County, to cause two Knights to be Elected and sent to him to *London*, (without any Directions to send Citizens or Burgesses) so as they should be there on the sixth of *October*

[8] *Mat. Westm.* f. 139.
n. 40, 50.

* Which had been granted the last year at *Bury*.

A. D. 1197.
15 Ed. 1.

[9] *Ibid.*

[1] *Walsingham*, f. 72.
n. 40.

[2] *Mat. Westm.* f. 431.
lin 7.

[3] f. 74. n. 4.

[4] *Append.*
n.

of Parliament; and yet no doubt, but they were made by advice of his Council. And therefore it seems, that the *Parlements* or Great Councils of those times, *owned* the *Kings Charters* under Seal, and the Grants made by them, to the People to be of good Force and Effect, and that their Petitions to which he gave his Assent, and caused to be put under his Seal, were by them accepted, and from time to time acknowledged as firm and *valid Laws*.

In the 28th year of his Reign, the King led an Army into [5] *Scotland*, the Scots fled, leaving about 400 of their slain behind them. The Arch-bishop of *Canterbury* came to the King there, and brought the Popes *Command* or *Message* to him, That the Scots having submitted themselves to his Protection, he should not presume to make War upon them any longer. Whereupon the King returned into *England*, and held a Parliament at *Lincoln* eight days after *Hillary*. The *Earls* and *Barons* complain of the violence and injuries done every where by the Kings Ministers and Servants; And again, desired the *Liberties* contained in *Magna Charta*, might be so confirmed, that from thence forward they might indure for ever. [6] The King for some days was not very forward to gratifie them in their Requests, but seeing their Importunity, he told them he was ready to *Grant* and *Ratify* what they desired, and the *Charters* were renewed, and sealed with the Kings Seal, and carried into every County in *England*, and the Arch-bishop of *Canterbury*, with the other Bishops, denounced the Sentence of the greater *Excommunication* against the Violators of them; [7] *Pro hoc confirmationis effectum concesserunt Comites & Barones quintam decimam partem bonorum suorum Mobilium, &c.* For this Confirmation the *Earls* and *Barons* gave a *Fifteenth* part of their Moveable Goods, as they should be at *Michaelmas* next coming. But *Robert* Arch-bishop of *Canterbury* would grant nothing for the Clergy, not so much as from the *Temporalities* annexed to the Church, without the Popes *special License*; This Confirmation bears Date the 28th of *March*, in the year above said. This is the true History of the contention between the *Norman Kings* and *Norman Barons* from the 1st of *Henry* the First, to the 9th of *Edward* the First, just 200 years, about their *Liberties* comprehended in these two *Charters* especially, and their Pretences from them, and Expositions of them: Not one *English* *Saxon* *Baron* to be found, as a Witness to, or Promoter of them, nor indeed scarce to any public Instrument, Charter or Grant; all this time.

And

And to any Man that will seriously consider what these *Charters* were then, so wit, all of them in the main, but a Relaxation of the Rigor of the *Fendal Law* generally used in *Europe*, cannot believe they were any others; for the Descendents from the *Normans* at this very time possessed all the considerable Estates in *England*, and it was *Liberty* that they pretended belonged to them, in the enjoyment of their [8] *Fendal Estates* they contended for; and the Arch-bishops and Bishops always headed and managed them, and began the Dance with pretences for their *Ecclesiastic Liberty*, who were willing to have their Princes Favours, as to the enjoyment of their *Temporalities* or *Baronies*, but were not willing to own any obligation or subjection to them, in respect thereof.

But Sir *Edward Coke* doth not care to hear of the *Fendal Law*, as it was in use at this time, And hath a fine fetch to play off the *Great Charter*, and interpret it, by his *Modern Law*, that was not then known, or heard of. And it hath been, and ever was; an Art of some Men, to interpret and confound *New Laws* by *Old Practice*, and *Usage*; and *Old Laws* by late *Usage*, and *Modern Practice*; When perhaps if they would endeavour to find out the History of those *Laws*, the *Grounds* and *Reasons* upon which they were made, there would be found no congruity between them, nor possibility of explaining one by the other; but if the words sound alike, 'tis enough. The same Sir *Edward* in the Epistle to his sixth Report Affirms, the Common Law of *England* was here (in practice 'tis to be supposed) before the Entry of the *Romans*, *Saxons*, *Danes* and *Normans*, and that it was never altered by any of them: And with Relation to this Opinion he says, that *Magna Charta* was for the most part [9] *Declaratory* of the principal *Grounds* of the *Fundamental Laws* of *England*, and for the Residue it is additional to supply some defects of the Common Law, and it was no new Declaration.

Upon this Assertion, no man can think but that he knew what the *Fundamental* and Common *Laws* of *England* were, before the making of this *Charter*, otherwise it was only a conjecture and he had neither Ground nor Reason for a Positive Assertion, nor could he say it was *Declaratory* of the Common Law, if he could not tell what that was. If he did know it, *Egerion* Lord Chancellor, Sir *Francis Gaudy* Chief Justice of the Common Pleas, *Fleming* Chief Baron, and *Williams* one of the Justices of the Kings Bench did not; for in Prince [1] *Henry's Case*, in *Hillary Term* in the Third of King

[8] See what is said of *Fendal Law*, *Fendal Tenure*, &c. in the Glossary, to my Introduction, &c. f. 39. B. &c. and compare it with the main Articles in *Magna Charta*.

[9] Prologue to 2d. Institut. f. 1. And see 2d. Institut. f. 3. l. 13.

[1] Coke's 8th. Report, Case the 8th.

James

time; for the Establishing the first great Point which was argued in that Case, they all agreed, The *Great Charter* did *cross* and *change* divers parts of the Common Law: Now if it did *cross* and *change* the Common Law, it did not declare and confirm it; (for that's Sir *Edwards* meaning) nor would a man think such a Charter could supply the defects of it. I will leave these different Opinions to those that can Reconcile them, and take notice of some of Sir *Edwards* particular Instances.

Magna [2] *Charta*. C. vi. *Heredes autem Maritentur absq; Disparagatione*. Heirs shall be Married without Disparagement. This he says is an *Ancient Maxim of the Common Law*. It is most certain, That the Lords of the Fee should have the Custody, Warship and Education of the Heir within Age, was by the Constitution of the [3] *Feudal Law*, especially as it was at this time practised in *England*, and from thence this Law was derived. The next Chapter about the Marriage of Widows was another Branch of the *Feudal Law*, where the true Reason is given why they could not Marry without License from the Lord of the Fee, which he never touches.

No [4] Constable of a Castle may distrain any Knight (that is any Person who by Military Tenure was bound to *Castle-Guard*) to give Money for *Castle-Guard*, if he would do the Service in his own Person, or do it by another Stout Man, if for any reasonable cause he could not do it himself, and if the King called him into the Army, he should be free from *Castle-Guard*, for the time he was in the Army, and for the Fee for which he did Service in the Army.

This Chapter, or as he calls it [5] Act, consisting of two Branches, is *Declaratory of the Common Law*. First, He that held by *Castle-Guard* might make a Deputy. Secondly, That he who by the King was called into the Army, should be free from *Castle-Guard*, &c. This also he says was *Declaratory of the Antient Common Law*. Yet *Castle-Guard*, and whatever related to it was a Constitution of the Military Feudal Law.

The next [6] Chapter about Carriages, was a Prerogative all Princes as Chief Lords of all Fees, had over the Vassals of their Military Tenants. *Nulla Carecta Dominica*, &c. No Demeasne Cart (that is, a Cart in the proper use) of any Ecclesiastic Person, or Knight, or any other Lord of a Manor shall be taken by our Officers, &c. They were exempt, he says, by the *Antient* [7] *Law of England*. The words of the Law prove it to be *Military and Feudal*; They were exempt as *Military Tenants*: The words *Carecta Dominica*, add to the proof that it was a *Military Law*.

We

We will not hold the Lands of those Convict of [8] Felony above a year and a day, &c. Forfeiture of Lands for Felony was Originally from the *Feudal Law*.

No Officer of ours [9] shall for the future, put any man to *Wage Law*, &c. This *Wager of Law*, he says, for ought ever he had read was the peculiar Law of *England*. I am sure he never read the old *French Law*, the *Salic Law*, the old *Feudal Law*, [4] the old *German*, nor indeed any ancient Foreign Law, the Practice of it, and the Constitution also is frequent in all of them.

The 31 Chapter of *Magna Charta* concerning *Military Tenures, Escheats, Reliefs and Services*, he [2] says, is all meerly *Declaratory of the Common Law*, but it is a mighty mistake from his not having read or observed the *Feudal Law*; for if ever there were any such Law in the World, this whole Chapter is certainly only a qualified and moderate part of it.

Nor are *Littletons Tenures* any thing else, but a *Declension and Lapse of the Rigid Feudal Law*, by pact, permission, remission, or favour of Lords and Patrons, or by time, into the more mild Usages of it, as they were practised in this Nation in his time, as must be confessed by any one but meanly skilled in the *Feudal Law*.

The whole *Feudal Law* consisted in [3] Customs, rather than in Written Rules; before the Constitution of *Frederic* the First, who was made Emperor A. D. 1151, or 1152. The *Lombards* had their own Customs in their Fees, the *Goths*, *Franks* and *Saxons* had others, all different; The *Normans* and *Vandals* had their own Customs, every one in their own Countries and Provinces had their different Customs, and therefore of necessity the Laws of Fees were various.

But Sir *Edward Coke* cannot own any thing of the *Feudal*, or any Foreign Law here, though it was really made the English Law by Use and Time: He hath a formal way of Speaking, the Law doth this, and the Law doth that; this is Law, that is by the Common Law of *England*, abstracting it from any dependency upon, or creation by the Government, as if it had been here, before there was any, and had grown up with the first Trees, Herbs and Grass that grew upon English Ground, and had not been of our Antient Kings and their Successors Planting, by Assistance and Advice of their *Great Councils* in all Ages, as it was found expedient either

[8] Mag. Chart. c. 12.

[9] Ibid. c. 18.

[1] See my Saxon History.

[2] Second Institut. f. 64.

[3] Hottom. de Feud. Disput. Col. 871. C. D. E.

[1] Second Institut. f. 115.

[3] See Feudal Law, &c. in the Glossary to my Introduction, f. 39. E. &c.

[4] Mag. Chart. c. 10.

[5] Institut. f. 34.

[6] Mag. Chart. c. 11.

[7] Institut. f. 34.

[4] Clauf. 1.
B. 1. m. 10.
Dorf.

either by them, or upon Petition, and Request of their People: Which [4] is acknowledged by all the Bishops, Earls, Barons, and People present at the Coronation of King Edward the Second in these words: "Sir, will you Grant and Keep, and by your Oath Confirm to the People of England, the Laws and Customs granted to them by the Antient Kings of England your Predecessors, true and devout to God, and namely the Laws and Customs, and Liberties, granted to the Clergy and People, by the glorious King Edward your Predecessor.

In very many of the most Antient Statutes, 'tis said, The King Ordains, the King Wills, and it hath been resolved by many of the Judges [5] That if those Statutes be entred in the Parlemt Roll, and always allowed as Acts of Parlemt. it shall be intended, they were by Authority of Parlemt. How such Entry, and such Allowance, without any Words in the Statutes to that purpose, can make them to be by Authority of Parlemt, I shall not inquire; But sure I am those words, The King Ordains, the King Wills, being pronounced in Parlemt, and Recorded in the Rolls thereof, for the security of the People, and owned by them, do clearly prove his Authority and Power in making Laws, to be far greater than many men would allow him, or have him to enjoy.

If these sayings of Sir Edward Coke have respect to the Times before Magna Charta, there was not then much Law, nor much Pleading, nor many judged Cases from whence the Bulk of the Law arose, and the proceedings were short, Possession then was eleven Points of the Law, and Seisin proved the Plaintiff had Possession presently; the only trouble then and delay was sometimes allowing and casting Essoins. I will give some Examples of the course of Law then.

Rex Willielmo de Cahanniis, Salutem: [6] Præcipio tibi, ut facias convenire Sciram de Hamtona, & Judicio ejus cognosce, Si Terra de Isham reddidit firmam Monachis Sancti Benedicti Tempore Patris mei, & si ita inventum fuerit, sit in Dominio Abbatis; si vero Teinlanda tunc fuisse invenietur, Qui eam tenet, de Abbate teneat, & recognoscat; Quod si noluerit, eam Abbas in Dominio habeat, & vide ne clamor inde amplius at me redeat. Teste * Willielmo Episcopo Dunelm.

The

[6] From the Original in the hands of Sir Tho. Hare Baronet. This was in the time of William Rufus.

* He was consecrated A. D. 1081 and died 1096.

The King to * William Cabains, Greeting: I Command you, that you cause the Shire of Hamton to come together, and by the Judgment thereof, know if the Land of Isham paid Rent to the Monks of * St. Benet, in my Fathers time, and if it shall be found so, let the Abbat have it in Demeasns, or the Possession of it; But if it shall be found to be Teinland, he that holds it, let him hold it of the Abbat, and let him acknowledge to hold it so; If he will not, let the Abbat have it in Demeasns, and see that no Complaint about this Matter returns to me again.

Rex Anglie [7] Willielmo Vice-comiti, Salutem: Mando & Præcipio tibi ut Abbatem Ailsi facias habere Isham sicut ipse Dirationavit eam in Hamtona, & sicut Testimoniata, & jurata ad opus Sancti Benedicti. T. R. Big.

The King of England to William the Sheriff, Greeting: I Require and Command thee that thou makest Abbat Ailsi to have Isham, as he Recovered it by Proof in Northamptonshire, and as it was Witnessed and Sworn to be to the Use of Saint Bennet. Witness Roger Bigod.

This was the whole Proceeding, after Proof by the Shire, it belonged to the Abbat, a Writ of Possession was directed to the Sheriff, and then he had Seisin of the Land.

Rex Anglie [8] Episcopo Eliensi & Baronibus & Justiciariis & Vicecomiti & omnibus fidelibus suis Francis & Anglis de Grantebridge scira, Salutem. Sciatis quia Barnadus Abbas de Ramseia, Dirationavit in Curia sua apud Sanctum Iwonem coram Justicia mea quam illuc miseram, Terram de Stowa & Grettona, versus Paganum Peverellum, quam ipse Paganus Clamabat tenere de Ecclesia de Ramseia, Et Recognitum ibi fuit, quod nullum jus in Terra illa reclamare poterat, sed Remansit Terra illa Ecclesie de Ramseia & Abbati solida, & quita de tota calumnia Paganii & Successorum suorum; Et hoc Dirationamentum Warrantizo, & per Chartam meam Confirmo; Et ideo volo & præcipio quod Ecclesia de Ramseia & Abbas eam amodo in pace, & quiete & libere teneat sicut Dominium Ecclesie ejusdem, Ita ne ulterius ei Respondeat, nec alicui de Successoribus suis, nec alteri qui per illum Clamet. Teste * R. Episcopo Sarisber. & Pagano fil. Johannis, & H. de Hoctina Apud Westmonasterium.

* He was Sheriff.

* That is, of Ramsey.

[7] Ibidem.

[8] The Original in the Custody of Sir Tho. Hare Baronet.

In the time of Hen. 1st.

Roger Bishop of Salisbury was Elected 1107, and Consecrated 1109, and was Bishop 39 years, and Justiciary of England many years in his time.

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The

The General Preface.

The King of England to the Bishop of Ely, the Barons Justiciaries, Sheriff and all his Feudataries of Cambridgeshire, French and English, Greeting: Know ye that because Barnard Abbat of Ramsey, hath recovered at his Court at St. Ives, before my Justice which I sent thither, the Land of Stow and Gretton against Payn Peverel, which he claimed to hold of the Church of Ramsey, and it was there found by the Jury, that he could claim no Right in that Land, and that the whole belonged to the Church and Abbat of Ramsey, free from any claim of Payn or his Successors: And this Recovery I Warrant, and by my Chart Confirm; And therefore I Will and Command, That the Church of Ramsey and the Abbat, from henceforward, shall hold them peaceably, quietly and freely, as the Demeasn of the said Church, so as it shall not answer any more to him, or any of his Successors, or any Claiming by him. Witness Roger Bishop of Salisbury, and Payn Fitz-John, and William of Hoctun at Westminster.

The King sent one of his own Justices to take the Assize or Verdict, to prevent the partiality of the Jury which might have been before the Abbat himself, or his Steward.

The like Confirmation almost was made by Queen Mand under her Seal, in another Case in the Absence of this King, 'tis supposed as Regent.

The Inhabitants of the Hundred of Peritune (now Pirton) in Oxfordshire, pretended the Maner or Hundred of Levechenor, (now Lewknor) in the same County ought Suit and Service to their Hundred, and was no Hundred of it self; the Abbat of Abendon proved the contrary in the Kings Court in the Castle of Winchester; Sed quia Rex tunc in Normannia erat, Regina quæ tunc præsens aderat taliter hoc sigillo suo Confirmavit.

Carta [9] Regina de Lovechenora.

Matildis Angliæ Regina Roberto Episcopo Lincolnensi, et Thomæ de Sancto Johanne, & omnibus Baronibus Francis & Anglis de Oxenefordscira, Salutem: Sciatis quod Faritus Abbas de Abbendona, in Curia Domini mei & mea apud Wintoniam in * Thesauro ante Rogerum Episcopum, Salesburiensem, & Robertum Episcopum Lincoln. & Richardum Episcopum

The General Preface.

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Episcopum London. & Willielm. de Curcio, & Adamum de Porto, & Turstinum Capellanum; & Walterum de Glocest. & Herbertum Camerarium, & Willielmum de Oyleio & Gosfridum fil. Herberti, & Willielmum de Enefi, & Radulphum Basset & Gosfridum de Magna Villa & Gosfridum Ridel & Walterum Archidiaconum de Oxeneford, & per * Librum de Thesauro Disfracionavit quod Levecanora Manerium suum nichil omnino debet in Hundredo de Perituna facere, sed omnia quæ debet facere tantumodo in Hundredo de Levecanora facere debet in quo Hundredo habet Ecclesia de Abbendona xvii Hidas. Teste Rogero Episcopo Salesb. & Willielmo de Curci, & Adamo de Porto apud Winton.

* Domesday Book kept in the Treasury of the Exchequer.

Mand Queen of England, to Robert Bishop of Lincoln, and Thomas St. John, and all the Barons of Oxfordshire French and English, Greeting: Know ye that Faritus Abbat of Aberdon, in the Court of my Lord, and mine, at Winchester in the Exchequer, before Roger Bishop of Salisbury, Robert Bishop of Lincoln, and Richard Bishop of London, William de Curcey, Adam de Port Turstin our Chaplan, Walter of Glocestre, Herbert the Chamberlain, William D'oyly, Geoffrey Fitz. Herbert, William de Enefi, Ralph Basset, Geoffrey Magnaville, Geoffrey Ridel, and Walter the Arch-Deacon of Oxford, proved by Domesday Book, or the Book which was kept in the Treasury of the Exchequer, That his Maner of Levecanor ought no Suit or Service to the Hundred of Peritune, but whatever it ought to do, was only to be done in the Hundred of Levecanor, in which the Church of Abbendon hath seventeen Hides. Witness Roger Bishop of Salisbury, William de Curcey, and Adam de Port at Winchester.

In these times, and for a Century or two of years afterwards, the Trials for Lands and Goods in the * County, * Hundred, and Lords Courts were very considerable, and for good Quantities of Land, and the Sutors to the Hundred and County Courts were as considerable; all Men, especially of the Laity, of what Quality soever, within the Hundred, ought their Attendance there, as appears by this Writ.

* See the old Regillers, Leigers, Cou-chers and Histories of the Great Monasteries, Ely, Bury, Ramsey, Abendon, &c.

Henricus [1] Rex Angliæ, omnibus Baronibus, & Vavasoribus, & omnibus Dominis qui Terras Tenent in Well-Wapentach, Salutem: Præcipio quod omnes veniatis, ad placitum, & Wapentachium Episcopi Lincoln quo l de me tenet, per summotionem Ministrorum suorum; Et facietis ei omnes Reſtituciones,

[1] Monast. Angl. Vol. 3. f. 162. Col. 2. n. 10.

[6] Regillum Magnum de Abbendon in Biblioth. Cotton. Claudius. B. 1.

* In the Exchequer or Treasury there, which was then in Winchester Castle.

& consuetudines in omnibus Rebus, quas ei debetis de Terris vestris ad illud Wapentachium, ita bene & plenarie, sicut unquam plenius fecistis Roberto Episcopo vel alicui Antecessori suo, & quas iuste facere debetis, & nisi feceritis ipse vos iustificiet per pecuniam vestram donec faciatis, ne perdam pecuniam meam, quam Episcopus mihi inde reddere debet. Teste Episcopo Sarum, & G. Canc. apud Ferebam.

A

Henry King of England, to all Barons, Vassals, or Knights and Lords of Maners, which hold Lands in *Well-Wapentach*, Greeting: I Command that you all come to the * *Wapentach-Court* of the *Bishop of Lincoln* which he holds of me, at the summons of his Bailiffs, and perform to him all *Services* and *Customs* in all things, which are due to him from your Lands at that Court, so well and fully as ever ye performed them to * *Robert the Bishop*, or any Antecessor of his, and which ye ought justly to do, and unless you perform them, he shall Distrein your Goods until you do it, lest I lose my Rent which the *Bishop* is to pay me for the *Wapentach*. Witness the *Bishop of Salisbury*, and G. the Chancellor at *Ferebam*.

B

C

E

F

In the [1] eighteenth year of *Henry the Third*, He by Advice of the Major part of the *Bishops*, *Earls* and *Barons* Expounded the 35th Chapter of *Magna Charta*, where there had been care taken about the keeping of the *County Court*, *Turns* and *Leets*, but not about *Hundred* or *Wapentach Courts*, and *Lords Courts*; In which Chapter there was a Clause, That all were to have their *Liberties* they had or used in the time of *King Henry* his Grandfather; And it having been proved before them, that *Hundreds* and *Wapentachs*, and *Lords Courts* were then holden every *Fortnight*, which was thought too often, and too great a trouble to the *Suitors*; yet seeing the two *Turns* were not sufficient to preserve the Peace of the Nation, nor to Correct the Injuries done to Rich and Poor, which was part of the Business of the *Hundred Courts*; it was provided, that between the two *Turns*, *Hundreds* and *Wapentachs*, and the Courts of *Great Men* should be holden from three Weeks to three Weeks, where before they had been holden once in a fortnight, so as there should not be made a General Summons to those *Hundreds*, *Wapentachs*, and *Great Mens Courts*, as there was to the *Turns*; But there should only come to them the *Plaintiffs* and *Defendents*, and those which

* ought

* ought Suit to them, That Trials might be dispatcht, and Judgments made (which are done by the *Suiters*) unless in those *Hundreds* there ought to be Inquisition made of Pleas of the Crown, as of the Death of a Man, Treasure found, and the like, for the Inquiry to be made after them, they should come with the *Suiters*, all of four of the next Towns that were necessary to make such Inquisitions.

Notwithstanding this Provision, the Attendance upon these Courts, was thought a great burthen and trouble, and therefore two years afterwards [3] it was provided and granted, That every Free-man that ought Suit to the *County*, *Tribing*, *Hundred* and *Wapentach*, or to the Court of his Lord, mighty freely make his Attorney to do those Suits for him; So that this way the *Great Men* made a Law to excuse their Lands and selves from this Service, and gave some small parcels of Land to some ordinary inconsiderable men to do this Drudgery for them. Land then was the price of all things, the very Household Servants had Land allowed them for their annual Wages.

Nor was that which is now accounted a wonderful Privilege, then thought any other than a vexation and trouble, seeing many *Knights* and considerable Men purchased of the *King Charters* of Exemption from being Impannelled in *Affises*, *Juries* and *Enquests*, and these Exemptions were so frequent and so many, [4] that they hindered the course of Justice, and therefore there was a Law made to force them in several Cases to serve upon *Juries* and *Enquests*; and at length when the *small Barons* or *Tenants* in *Capite* and *Military Men* began to grow poor and beggerly, and had by Law [5] leave to Alienate what part of their Estates they would, leaving sufficient to perform the Services which belonged to the Fee, they began to think of * *Representatives* to save charges in going to, and Attendance at *Parlements*, and by several [6] undue Practices and Laws, to force the trouble and vexation (as it was then esteemed) of serving and waiting at *Affises*, *Sessions*, and *County Courts*, upon Men of mean Estates, and meaner Understandings, Parts and Abilities.

These Trials for I and before the *County* and *Hundreds*, are often to be seen in *Domesday Book*, and in the old *Registers*, *Leigers*, or *Couchers* of great *Monasteries*, as of *Ely*, *Ramsay*, *Bury*, *Abendon*, *Glastonbury*, &c. with the manner how they were recovered, the Testimony of the *County* or *Hundred*.

* by their Feudors, and held Lands by doing Suit and Service at those Courts.

[3] Stat. of Marston, c. 10.

[4] Stat. of Marlebridge, c. 12.

[5] Magn. Chart. c. 32.

* History, f. 617. A. B.

[6] See Glossary to my Introduction, &c. f. 62. c. 6.

* The same with an addition.

* Robert Bloet who died, Jan. 10. A. D. 1132 Alexander succeeded him, and was consecrated, A. D. 1123. Jul. 12. 23. Hen. 1.

[*] Appendix, n. 34.

Hundred, and by such Jurors as most frequently knew the Matter of Fact. The *Great Matter* of Inquiry then was, Who had been possessed, and who was possessed of the Land or Thing in Contention, for by that they most frequently judged of Right. For no Estate then passed by private Bargain only, but there were some public Circumstances and Ceremonies performed, which made the passing of Estates from one to another very notorious, and especially those of *Investiture*, or as it was called when much in use, *Livery* or *Seisin*, or when the Charters and Deeds of Feoffment were read and [7] granted before the County or Hundred, and there witnessed publicly, by *Thomas* of such a Town, *John* of another, *Richard* of a third, *Henry* of a fourth, *James* of a fifth, (*cum multis aliis*) with many others, that were Suitors at those Courts, and they were then many indeed; for besides those that were Suitors by Tenure, and held Land by Performance of such Services, all others that were Resident within the County or Hundred, and capable of doing it, performed their Suit to the County or Hundred, as a [8] Service belonging to the *King*, for preserving Peace and Justice.

When Estates passed thus by the *Donor* or *Feoffor*, to the *Donee* or *Feeoffee*, and *Livery* or *Delivery* was made, and *Seisin* or *Possession* given in the presence of Tenants of the same Maner (or as the *Feudal Law* calls them *Peers Curie* [a] *Peers of the same Court*) or of the most Substantial Persons nearest the place, then Men were as secure of these Estates as of Copy-holds now; And therefore it was, That a *Writ of Right* was anciently directed to the *Lord* of the *Maner*, of which the Land was holden, to do the Demandant Right in his Court, as the most ready, secure and quick way of

[4] Sir Edward Coke in the Epistle to his Eighth Report, says, Trial by Juries is an Inevitable Argument of the Antiquity of the Common Law, to which they are appropriated: But if we received the Trial by Juries, or *Peers Curie*, with the Feudal Law, we have greater Reason to say, the Common Law was either derived from that, or received this way of trial from it. *Lit inter Duos Vasallos per Dominum, inter Vasallum & Dominum per Curiam Parium, Disceptanda est, per Peers Coram Dominum Furatos.* A Controversie between two Vassals, is to be determined by the Lord, by Peers Sworn before him, between the Lord and a Vassal, by the Court of Peers. *Bottom. in lib. 2. Feud. Col. 777. B. Vasallus ob quodvis Capitale factum Feudo Multatur, Sic tamen ut causa prius Disceptetur Parium Judicio, Idem de Feud. Disput. Col. 886. B. Statuimus ut nullus Miles sine certa & convilla Culpa suum Beneficium perdat, nisi secundum Consuetudinem Antecessorum nostrorum, & Judicium Parium suorum. Li. Langobard. lib. 2. Tit. 8. l. 4.* He that desires to know more of the Affinity between our Antient Law and the Feudal Law, let him read Dr. Zouch his Description of the Temporal Law and Judgment according to the Feudal and Norman Customs, and in particular for Trials by Juries, &c. Section the Fifth, of the third part.

Justice,

Justice, for either the Tenants of the Maner knew the Possession whose it was, and how obtained, whether by Descent or Donation; Or it was entred in the Lords Court Rolls, or Books from whom, and to whom Alienated for the Security of his Free Rent and Relief, and the Lord could not lose his Court; that is, the Trial and Judgment whose Estate it was, and whether the Demandant or Possessor had most Right to it, if he failed not in doing Justice. And in such Case it was removed to the County, and if need were, from thence to the *Kings Court*, or many times immediately into that.

But afterward when the Scholastic and Dilatory Method of the *Cæsarean* and *Canon Law* [9] about the years 1139, and 1145 by the encouragement of *Arch-bishop Theobald*, and other *Bishops* in the Reign of *King Stephen* was introduced, publicly read, and mixed with the Practice of the *Feudal* or *National Law*, with Design to over-rule and Baffle it, then all the plannets of it ceased, quick Justice was laid aside, and all the Inventions, Art, Delays and Subtilties of the other were introduced, by the *Canonists* and School-men that practised it, and became almost as Fine and Subtile, as School Divinity it self, which then and afterwards was followed, as the best Example of Notion, Distinction, Division, and Nicety, to all Learned Authors and Writers in every Science. This is clear from the Consideration of the Works of *Glanville*, and *Bracton*, who Wrote within an hundred years one of another; How Plain, Easie, Short and Open is the First; How Intricate, Involved, Subtile and Nice the Second. How much was the Bulk and Dilatory Practice of the Law, within that time increased by Art, new Suggestions and Inventions, never before thought of. The Judges were then most, if not all, either *Clergy-men*, or Professors of the *Cæsarean* and *Canon Law*, and most frequently advanced by Ecclesiastic Preferments, and the *Pleasers* or *Lawyers* were *Monks*, who read in their *Cells* or *Monasteries*, and abroad out of them, and explained those Laws, until prohibited by several *Popes* from meddling with that Practice, and also Secular Affairs. I am in a large Field, but must leave it, and shall conclude this Preface with the Interpretation of some few words used in it, and one or two of them in the History.

Bordarii.

[9] *Flet. w. gorn. l. 671. Oederic. Vi. l. 919. B. Gervai. Ad. Pont. Cant. Col. 1665. m. 30.*

Bordarii.

SEE the History, f. 206. E. they were *Drudges* and performed vile Services, which were reserved by the Lord, upon a poor little House and a small parcel of Lands, and might perhaps be Domestic Works, such as *Grinding, Threshing, Drawing Water, cutting Wood, &c.* or if they were the same with *Cotarii*, we shall afterward see their particular Services. See *Spelman* in the Word, and *Du Fresne*, in the Words *Borda, Borderia, Bordagium, Bordelaria*, a Tenure Antiently very frequent in many parts in *France*.

Commendati, Commendatio.

Commendati were such as lived under the Protection of some Great Man, Lord or Patron, who undertook to secure their Estates and Persons, for which Protection and Security they paid him an Annual Stipend, or performed some Annual Service. *Commendatio* was the *Safeguard* or Protection it self, and was the same with *Tutamen* and *Salvamentum*, and many times it signified the Annual Rent, paid for such Security and Protection. See *Du Fresne's* Glossary in the Words: Besides the *Commendati*, there were *Dimidii Commendati*, according to the Latin of *Domesday Book*. In *Coteuna Tenuit Teit Commendatus Dimidius Edrico preposito Regis*, & *Dimidius Commendatus Antecessori Malet*, &c. Little *Domesday Book*, f. 322. b. This *Teit* in the time of *King Edward* had two *Protectors*, *Edric* the Kings Reeve, and the *Predecessor* of *Robert Malet*, and paid half the Annual Rent for his Protection to one, and half to the other. And besides these there were *Sub-Commendati*, such as were *Commendati* under *Commendati*; that is, Servants under them, or such as had dependance on them, and were also under the Protection and Security of their Patrons, and *Dimidii Sub-Commendati*, such as in like manner were under the *Dimidii Commendati*, and had two Patrons or *Protectors*, and the same as they had. In *parvo Thornham ii liberi, homines, unus eorum fuit Commendatus Ulvevæ*, & *Alter Dimidius Sub-Commendatus Antecessori Malet*. *Sudfolc.* Little *Domesday Book*, f. 322. b.

Colliberti.

Clliberti, Coliberti.

THese sometimes were called *Conliberti*, as if they had been Servants, and were manumitted. They were People of a middle State between Freeman and Servants, yet in Condition nearer to Servants. They had their Patrons to whom they paid Rent, and were manumitted, as Servants used to be; they had not a full, but conditional Liberty, and were therefore sometimes called *Conditionales*, because obnoxious to some sort of Servility; they were much like the old *Colont, Colons* or *Clowns*. See more in *Du Fresne* upon the words.

Cotarii, Cottarii, Cotmanni, Cotseti, Coscet, Cosceæ.

ALL these words are derived from the *Saxon Cote*, which signifies a pitiful little House, Hole or Lurking Place, and was the same, *Du Fresne* says, with the French *Bord*; and *Cotagium*, which was such a *Cote*, with a small parcel of Land to it, was the same Tenement with their *Borderia* or *Borderie*; and all those that inhabited such small Houses, and held such Tenements, under *Base Services*, had these various names given them; of which Services I shall say more afterwards; at this day we call these *Cottagers*. Sir *Henry Spelman* thinks the two last words *Coscet* and *Cosceæ*, to be derived from *Coshe*, an old English word that signified the same with *Cote*, but seeing those words are seldom found any where but in *Wiltshire*, I rather think them to have been mistaken by the Scribe, for *Cotset*, and only falsely written, he not understanding the meaning of it, which was the true old *Saxon* word for a *Cotager*.

Investitura.

THIS Word is derived from the Verb *Vestire*. *Bezoldus* says it comes from *Vest*, an old *Franco-Gallic* word, that signifies *Possession* or *Seisin*. *Discurf. politic. p. 90.* From whence-soever it is derived, it signifies both to give and take Possession: For giving Possession or *Seisin*, antiently did not pass by bare Words, Instruments or Charts, but by some other Ceremonies or Symbols, which denoted the passing of an Estate out of the Power of one man, into the Power and Possession

possession of another, and the same Ceremonies and Symbols were used in almost all Nations; if land passed, a Turf, or Green Clod, or Sword of Earth was laid upon the Instrument to signify the Soyl passed, and a little Branch of a Tree, *ramus vel iusticia* was pricked upon it, to signify the profits, and what grew upon it passed with it. The several sorts of Symbols and Ceremonies of passing away Estates, with the Forms which were very many, are to be found in the very Learned *Du Fresne* in this Word, where the Reader, as in all parts of his Glossary, may observe what had anciently nothing peculiar to England. But the Reason of my so much taking notice of this Word, is, The great confusion it made in Christendom, and the horrible Bloodshed, which followed the Contest about Investitures, between Pope Gregory the Seventh, otherwise called *Hildebrand*, and Henry the Fourth Emperor of Germany, or rather inter *Sacerdotium & Regnum*, between the Clergy and Laity. This was the Original or occasion of the Contest between King Henry the First, Arch-Bishop *Anselm*, and Pope *Paschal* the Second; Between King Henry the Second, *Thomas Becket*, and Pope *Alexander* the Third; Between King *John*, *Stephen Langton*, and Pope *Innocent* the Third; Between King Henry the Third, Arch-Bishop *Boniface*; Pope *Alexander* the Fourth, *Urban* the Fourth, and *Clement* the Fourth; or between the Clergy, and Rebellious Barons that struck in with them, and the King and his faithful Subjects.

This Investiture was made, or the Possession of the Bishoprick or Abby given by the Delivery of the Pastoral Staff and Ring to the future Bishop or Abbat by Temporal Princes; And they had always enjoyed this Right of Investiture until the Time of Pope Gregory the Seventh, called *Hildebrand*, who in the Sixth year of his Papacy A. D. 1078, in the Fifth Roman Council, which was called for the Restauration of Holy Church, procured this Canon to be made.

Because we have been informed, That in many places Investitures of Churches have been made by Lay-men contrary to the Decrees of Holy Fathers; and from thence many Disturbances have happened in the Church, to the Oppression of Christian Religion, We Decree that no Cleric shall receive the Investiture of any Bishoprick, Abby or Church, from the hand of Emperor or King; or any other Lay Person, Man or Woman; If any one shall presume to do this, let him know, such Investiture is made void by Apostolic Authority,

chority, and that he is Excommunicated, until he gives just satisfaction. *Labbe. Tom. x. Col. 371, 372. Can. 2.*

In the seventh Council at Rome, held under this Pope A. D. 1080. Henry the Fourth was deposed from the Empire, and *Rodulph* made Emperor; and the seventh Canon, concerning his Deposition and Excommunication is in a high strain, and worth noting. In this Council the former Canon was confirmed with this Addition, That if afterwards any one should receive a Bishoprick or Abby from any Lay-Person, they were not to be esteemed as Bishops or Abbats, nor any obedience was to be paid to them as such, and the Grace of St. Peter, and entrance into the Church was interdicted them, until they had quitted the place they had so received. And in like manner it was Decreed, concerning inferior Ecclesiastic Dignities. *Ibid. Col. 381. Can. 1.*

In the same Council it was also Decreed, That if any Emperor, King, Duke, Marquess, Earl, or other Secular Potentate or Person, should presume to give the Investiture of Bishopricks, or any other Ecclesiastic Dignity, he should be liable to the same sentence; and furthermore unless he repented and left the Church to its own Liberty, he should feel the Divine Vengeance in this life, as well in his Body, as in his other Affairs, that his Soul might be safe at the coming of the Lord. *Ibid. Can. 2.*

Pope Urban the Second in the eighth year of his Papacy, A. D. 1095. held a Council at Clermont in France, in which it was Decreed, That no Cleric should receive any Ecclesiastic Honour from a Lay-person, *Ibid. Col. 508. Can. 15.* nor any King or other Princes should make Investitures of Ecclesiastic Honors, *Ibid. Can. 16.* Nor that any Bishop or Priest should do fealty or homage to any King or Lay-man. *Can. 17.*

The same Pope in the last year of his Papacy, A. D. 1099. held a Council at Rome, about the beginning of May or latter end of April, in which he declared all Abbats Excommunicated, which for the future should presume any way to receive the Investitures of Abbies from any Lay-hand, and forbid all Bishops to Ordain or Consecrate them, *Ibid. Col. 617. Can. 17.* He that will see what advantage the Clergy made of these Canons and Decrees, let him read the Ecclesiastical Story in Henry the First and Henry the Second, the life of King John and Henry the Third. And who will see the beginning and progress of this Controversie about Investitures inter *Regnum & Sacerdotium*, between the Secular and Ec-

clastic Government, or between the Emperor Henry the Fourth and Pope Hildebrand, otherwise Gregory the Seventh, and Pope Paschal the Second, let him see William of Malmshury, who lived at the same time, f. 60. b. n. 10. f. 61. a. n. 30. &c. f. 93. b. n. 40. f. 94. a. b. &c. And Jurats Observations upon Ivo Carnotensis his Epistles printed at Paris 1610. p. 740. upon the 233d Epistle, and p. 744. upon the 236th Epistle. The Decrees and Canons, were the foundation of the Popes Provisions and Donations of Bishopricks and Ecclesiastic Livings afterwards in all Nations, but especially this.

Libertas Ecclesiastica.

THe Right of *Investiture*, was a main part of that which the Clergy called *Church-Liberty*. But by it they understood, and contended for a Freedom of their Persons, Possessions and Goods from all *Secular Power* and *Jurisdiction*, as appears by the Canons and Decrees of the Council holden by Boniface Arch-Bishop of Canterbury at Merton. A. D. 1258. and confirmed by another holden at London A. D. 1260 or 1261. as may be seen in the Church Story in the Reign of Henry the Third.

Servi.

DO every where occur in Domeſday Book, and no doubt but their Condition was worse than that of the *Bordarii*. See the First part of the Saxon History, f. 82. B. and f. 83. and the life of William the First, f. 206. F. These were of four sorts, such as sold themselves for a livelihood. Debtors that could not pay their Debts, Captives in War, or *Nativi*, such as were born Servants or Slaves. They wrought at any time, and did what their Lords commanded them. Their Persons, Children and Goods were the Lords, they could not marry but with those of equal Condition, they could not make their Wills, or dispose of their Goods, if they had any; whatever they got by Labour was the Lords. These *Servi* perhaps were the same, which in the Antient Surveys of Maners were afterwards called *operarii*, who performed all servile and incertain works.

In the History of Ely, p. 210 b. in an Account of Lands and Men detained from that Monastery, which belonged

to

to it, in the time of King Edward, &c. there is this noted amongst the rest. *Williclmus filius Gorbam tenet lxxxvi homines in Meluna, Qui ita proprie sunt Abbati ut quotiescunq; præcepit præpositus, Monasterii Debeat arare, seminare, segetes purgare, Colligere vel terere; Equosq; invenire in omni necessitate Monasterii ire, & omnem rei Emendationem persolvere, & si quid de suo voluerint vendundare, à præposito licentiam prius debent accipere.* These were either *Servi*, Servants, or the lowest sort of *Bordarii* or *Socmani*. I take the Persons of Servants to have been always obnoxious to servitude.

Soca, Socmanni, Socagium.

SOca, Soc. generally signifies Liberty or Privilege. Fleta lib. 1. c. 47. says, *Soca significat Libertatem Curie tenentium quam socam appellamus.* Sock signifies the Liberty of Tenants of a Court; And it differs from *Soca*, because that is a Liberty given to any one, of holding Pleas, and Trying Causes, and also of receiving the Mulets and Forfeitures coming from them within his Sock or Jurisdiction, and comes from the Saxon *Sace* or German *Sack*, a Cause, Controversie or Accusation: Sometime it signifies a Territory or Precinct, in which *Soca* or Liberty of Court or Trials are exercised. Sometimes it signifies a payment. *Westfelda, &c. Huic manerio adjacent, T. R. E. xxx acr. Terræ quas tenebat presbyter in Eleemosyna, & reddebat Socham* (i.e. he paid Rent) Little Domeſday Book, f. 4. a. *VVritelan, &c. ibi Dimid. Hid. libere tenet 1 Sochman reddens Socam in Manerio.* ibid. f. 5. a. *VVireceſtre-scire, Terra Episcopi, Hund. Owldestan, Episcopus habet omnes Redditiones Socharum, &c. Ad manerium Alvertune, pertinet Soca harum Terrarum, Newhuse, VVesthuse, Mannebi, VVerlegesbi; And nineteen other Farms; Berwites or small Villages: And then it follows, Inter totum sunt ad Geldum quater Viginti & quinque Carucat. quas possunt arare xlv Caruc. ibi fuerunt 116. Sochmani modo VVastum est.* The Sock of these Lands belongs to the Maner of Alvertun, &c. in them all there was fourscore and five Carucates which paid Rent, which forty five Ploughs might Till. There were one hundred and sixteen *Socmans*; now the Manner is wast, Great Domeſday, f. 299. a. Col. Here *Soca* signified a Rent for using their Land, with some Privilege or Liberty. In the Description of many Towns, at the later End, *Rex & Comes de Toto habent Socani or Soca Regis.*

& Comitibus, The King had two parts, and the Earl one of the Annual Rent, for liberty of using the Land. *Sudfule. f. 322. b. In Limberge. Clamat Ivo Tallebofc super Regem vi Bovat. Terræ, Dicunt homines Comitatus, quod ipse debet habere terram & Rex Socam. In Limberge Ivo Tallebofc claims upon the King six Bovates of Land, the men of the County say he ought to have the Land, and the King the Soke * Clamores in Nortreding Lincolniæ. Super Drogonem Clamat Norman de Adreci tres bovatas Terræ In Normanbi dicit VVapentachium, quod ipsius debet esse Terra, & Drogonis Soca. Ibid. in VVest-tredinge. In both these places, here was the Land, and the Liberty of the Land, that it might be used without too strict Impositions, and hard services upon it, and for this Protection of it, there was an Annual Rent paid, which was called the Soke. In Ristuna iii liberi homines vi acr. val. xvi d. In his non habuit Baignardus nisi Commendationem, & Sanctus Benedictus Socam Invasiones in Nordfule. Rogerus Bigot tenet in Plicham x liberos homines de lxxx acr. &c. de his habuit suus Antecessor Commendationem tantum, & Stigandus super unum Socam, & Commendationem, & super alios Socam. Ibid. Hund. & Dimid. de Fredebruge. In Grestuna iv liberi homines xxvi acr. Quod tenet idem Rogerus de Rege, & val. iv Sol. & in hoc non habuit Antecessor Rogeri nisi Commendationem, Rex Comes Socam. Ibid. Hundred de VVanelunt. In Derfyncham. 1 lib. homo xii acr. val. xii d. hoc tenet Petrus Valoniensis, de hoc habuit suus Antecessor Commendationem tantum & Stigandus Socam. Ibid. Here I confess I am in the dark, for 'tis clear, Commendation and Soke are two different things, referred to the same thing, and yet they both signifie Privilege and Protection, for which those that received them paid an Annual Stipend or Rent. Stanford Burgum Regis, &c. In his Custodiis, &c. sunt lxxvii mansiones Sochmanor. qui habent Terras suas in Dominio, & qui petunt Dominos ubi volunt. Super quos Rex nihil habet, nisi Emendationem forisfacturæ eorum, et heriet et Theloneum, &c. Lincoln. f. 336. b. Col. 2. Stanford the Kings Burgh, in the Wards there are 77 Dwellings for Sochmans, who have their Lands in Demeasn, or in their own Power, and may choose any Lord or Patron where they will. Upon whom the King hath nothing, but the pecuniary punishment of their faults, Heriets and Tol.*

Eiam

Eiam Tenuit Edricus, &c. huic Manerio pertinent xlviij Socmanni cxxi acr. Terræ ex his Socmannis xxvii in Dominio, &c. These Socmen were fixed to the Soyl. *Sudfule. f. 319. b.*

A Sochmanni de Residene, et Irecestre, et Rand fuerunt homines Burred et iccirco G. Episcopus Clamat hominationem eorum. Northantshire Terra Willielmi Peurel. This VVilliam was the great Possessor in these Towns; And Burred the Saxon before the Conquest was Patron or Lord of the Socmans in them Towns, and Geofrey Bishop of Constance had his Land and Title after the Conquest.

B In Bertone tenet Willielmus de Cahanges ii Hid. hanc Terram tenuerunt quatuor Sochmani homines Wallef Comitibus, horum Duo Tenuerunt i Hid. & ii Virgat. & Dimid. sed recedere sine licentia ejus non potuerunt alii vero duo dare & vendere Terram suam potuerunt, Domeld. f. 201. b. Col. 2. here are different Conditions of Socmen, Quare, whether the free use of the Land, might not be the Commendatio, and Liberty to sell the Land, and recede, might not be the Soke meant in in the other places, as contra-distinct to Commendation.

C I find in the History of the Church of Ely, in the hands of the Learned Doctor Gale, p. 210 b. these passages in a Catalogue of the Lands detained from the Monastery of Ely, which belonged to it in the time of King Edward, and the names of those that detained them. Walterus miles Hugonis de Monteforti ten. Terram duarum Carucarum in Maraham. Walter the Knight of Hugh Montfort possesseth two Carucates of the Demeatnes of the Monastery in Maraham. Willielmus de Warena tenet 45 Socmans in Felteuella qui quoties Abbas præcepit in Anno arabunt suam Terram, Colligent, & purgabunt segetes, adducent & mittent in Horrea, portabunt victum Monachorum ad Monasterium, & quoties eorum equos voluerit, & ubicunq; sibi placuerit toties habebit. Et ubicunq; forisfecerit, Abbas forisfacturam habebit, & de illis similiter qui in eorum Terra forisfecerit; That is, William de Warena holds 45 Socmans in Felteuwell, who as often as the Abbat Commanded, Ploughed his Land, and were to weed and bind his Corn, to carry it into the Barn, to carry the Monks Victuals to the Monastery; and as often as he would, and whither he pleased, he had their Horses; and wheresoever they forfeited (that is, were liable to a penal. Mult) he had the forfeiture, and of those that forfeited upon their Lands. Supradictus Walterus, & cum eo Durandus Homines Hugonis de Monteforti

Monteforti

Montforti tenent 26 Socmanos supradictæ consuetudinis in Maraham. The abovesaid Walter, and with him Durand (another Knight) The Men of Hugh Montfort held twenty six Socmans in Maraham of the foresaid Custom. In Domesday Book the Entry of the last Clause is thus: *Nordfule, Terra S. Aldred in Clachelose Hund. & Dimid. In Maraham Tenet S. Aldred, &c. Huic Manerio adiacebant T. R. E. xxvii Soceman. cum omni Consuetudine; sed postquam Rex Willielmus advenit, habuit eos Hugo de Monteforti, præter unum.*

What some Socmen were near two hundred year after the making of the Survey, we may see from the Book of the Survey of the Priory of Spalding in Lincolnshire. fol. 7. a. *Hæc sunt servitia & Consuetudines Sokemanorum Prioratus de Spalding, Recognita in Comitatu Lincolnensi. Debent in quadragesima per tres Dies arare si Canas junctas habeant, & accipere semen ad orreum Prioris, & ad terram portare, & illud seminare, & cum equis suis Herciare proprio cibo suo. Debent tres præcarias in Autumno, cum falci- bus suis cibo Domini. Item debent tres Carectas de Ros, & tres de Byndinge, Karetandas, in curiam Domini cibo Domini. Item, si habuerint quinq; Porcos superannatos, debent eligere primum ad opus suum, & Dominus Eliget secundum, & ita erit de omnibus quinque, Quoquot fuerit, excepta Sue Matrice. Si habeant Porcum superannatum & non habent quinq; de quolibet habebit unum Denarium, & de Porco qui non est superannatus unum obolum. Item, debent Auxilium Domino suo semel in Anno, Salvo Gainagio suo. Item, debent Ire apud Beltisford cum equis suis, & Saccis, & Brocha, & ducere Bladum usq; ad Granarium Spaldinge, suis proprii expensis. Item, debent pro Astro suo annuatim vii Denarios. Item, debent de qualibet Caruca sua juncta inter Purificationem Beate Mariæ et Festum Sancti Butolphi ii s. iv d. Item, non possunt Terram dare nec vendere nisi licentia Domini Prioris. Item, non possunt placitare per Breve Domini Regis de Sokagio nisi licentia Domini Prioris. Item, non possunt Pullum suum Masculum natum de Equa sua vendere nisi per licentiam Domini Prioris. Item, debent alleviare filias suas.*

Nomina eorum quorum huic scripto sigilla apposta sunt, Sigillum Domini Willielmi de Albeny, & Domini Galfridi de Sancesmare, & Domini Walteri de Coventre, et Domini Johannis Bonet tunc Vice-Comitis Lincol. et Domini Alexandri de Poynton, et Domini Willielmi de Welle.

This

This Recognition was made in the County Court of Lincoln in the time John Prior of Spalding; who was Elected in the year 1252, and died 1273. as appears by the same Book speaking of him, *Convicit etiam Sokemanos suos de Pynchebeck, Weston & Multon, suos esse Rusticos, qui ei Debita Servitia sua et Consuetudines denegabant, in Libertatem proclamantes, per Sacramentum Duodecim Militum Die Tertia ante festum Sancti Gregorii Papæ apud Lincoln. Ibid. fol. o. a.*

These are the Services and Customs of the Sokemen of the Priory of Spalding, found by Inquest or Jury in the County Court of Lincoln, they ought to Plough three days in Lent, if they had Ploughs and Horses; To take Seed at the Priors Barn, to carry it to the Land, to Sow it, and Harrow it, finding themselves Victuals; they ought to labour at the three Reaping Days in Harvest, upon the summons of the Lord, he finding them Victuals. Also, they ought to carry three Loads of Thatch, and three Loads of Binding, to the Lords Court, he finding them Victuals; Also, if they had five Hogs above a year old, they might choose the first to their own use, and the Lord the second, and so it should be of every five, the old Sow excepted; if they had Hogs above a year old, and not five, the Lord was to have of every one a peny, and of every one under a year old, an half-peny. Also, they ought an Aid once in a year to their Lord, saving their Lively-Hood or Employment in Husbandry. Also, they ought to go to Beltisford with their Horses, Sacks and Packing Needle, to carry Corn to the Granary of Spalding, at their own Expences. Also, they ought to pay yearly for their Residence upon the Maner, seven pence. Also, they ought to pay for every Yoaked Plough that was furnished with Horses or Oxen, between Candlemass and the Feast of Saint Butolph, two shillings and four pence. Also, they could not sell or give their Land without Licence, from the Lord Prior. Also, they could not plead or maintain a Title by the Kings Writ concerning their Soccage, unless by his Licence. Also, they cannot sell any Horse Colt, which came of their own Mares, without the same Licence. Also, they ought to compound with, or give a Fine to the Lord for Liberty, for their Daughters to Marry.

The Names of those who put their Seals to this Writing, the Seal of Sir William de Albeny, of Sir Geofry de Sancesmare, Sir Walter de Coventre, Sir John Bonet, then Sheriff of Lincolnshire, Sir Alexander de Pointon, and Sir William de Helle. These were undoubtedly some of the twelve Knights, by whom the Recognition was made, of the Services of the Socmen in the County Court, when they denied them, and would have asserted themselves free from them.

Villani.

Villanus and Rusticus were almost the same in old Authors, so called because they lived in small places in the Country, and manured the Lands there, and because they were employed by Lords of Maners in sordid and slavish Works; the Word was also used for sordid and slavish People, and such were most commonly meant by it. See the History, fol. 206. F.

The Socmen, Bordars and Servants, the Names, I mean, were not so usual within a Century or two after the Conquest; And instead of them, were more frequently used the words, Consuetudinarii, and Censuarii, such as paid Rent, and performed Works and Services, Cotarii, who held poor Houses and some small parcels of Lands, by small Rents and few Works, but generally more Servile. Sometimes by Services only without Rents, and Coterelli (that is, small Cotars or Cotagers) by the same, though fewer Services and Payments, in Rent, Hens, Eggs, Fowl, &c. and Tosmanni; very little different, from the Cotars or Coterelli in Tenure and Services, for a Tosman (notwithstanding the common Notion of a Toft, being a decayed Tenement or House) was one that possessed a very small House, and an Acre or half an Acre, or some small parcel of Ground, by the same Services with Cotars, or very little different from; And lastly, Operarii, whose Works were always uncertain, and were poor miserable Labourers that wrought at all times and seasons, and did all manner of Works at the command of their Lords, and to their only Benefit, and these undoubtedly were such as in Domesday Book are said to be Servi, in respect of whom, all such Customary Tenents, Cotagers, Villans, Bond-

men

men or Nativi, that performed certain Works, might be called privileged persons or Socmen.

All these Men were not exactly of the same condition, though of the same Denomination, for many times Free-men performed Servile Works in respect of their Tenure, though their Persons were Free, and oft-times any of the others performed certain or uncertain Works at the Command of their Lords, and according to the first Stipulation or Charge upon their Persons or Lands; except those that were really Customary Tenents; and I am apt to think that in Process of Time, all these Names began to be Confounded and Promiscuously used one for another. I have by me an old and very exact Survey or Extent of all the Maners belonging to the Bishoprick of Ely, made about the middle of the Reign of King Henry the Third, where in every Town all these persons are described and distinguished one from another, both by the Quality and Quantity of their Works, but by the Quantity most frequently. By the Statute intituled, Extenta Manerii, in the fourth of Edward the First, all these Servile People of so many different Names pass under two only, that is of Customary Tenants and Cottagers, in which all the others were then comprehended.

In the same Book the liberè Tenentes, those in Military Service and Soccagers in several Towns are described under the same Title: but most commonly, the ordinary liberè Tenentes (which were very few) are clogged with Works, and seem to differ not much from the Customary and Censuary Tenants, when united in one Tenure, consisting in part Rent, part Services, that were customary and certain; many times Works were changed into Rent, as also were some part of the Lands holden in Military Service, and in this old Extent they are called, Novi Feoffati, and these; and such as these who since the Dissolution of Monasteries, (which were endowed with a third part of the Lands of the Nation) purchased some small parcels of Land holden in free Soccage, make at this day the Bulk of the Freeholders.

For until by experience the conveniency of changing of Works into Rents was approved, and until the Military Men

Men had Power by *Magna Charta*, C. 32. and Stat. 18th of Edward the First, to alien their Lands, leaving sufficient to perform the Service; there were but few Free-holders in our now common understanding of them; nor had they then by being Free in their Persons, and from base Services or Works, any Interest or real Power, or the least share in Transacting Public Affairs, or were any ways concerned in them, but were Free only from *Villanage* and *Servitude*, and were *Sui Jurii*, at their own disposing, so far only as like *Villans* and *Bondmen*, they were not under the Power and absolute Command of other men; that is, their persons were free, and they might dispose of what they had, without let or hindrance of their Lords, of whom they held their Lands.

ERRATA.

Fol. 11. r. 16. dele a. f. 14. l. penult. r. *Brigantes*. f. 18. l. ult. r. *Claudius*: f. 27. l. ult. in note, r. *Urbicus*. f. 37. l. 1. r. *Arminum*. f. 37. in the notes change y for u, and u for y. f. 38. instead of z. in the notes, there ought have been *. f. 41. l. 12. r. *Turnacensium*. Ibid. in note, f. 41. r. *Lolr*. f. 44. in note, r. *Tigissenses*. f. 50. d. 5. r. *Gombatesi*. f. 70. l. 20. r. *Allodium*. f. 71. f. l. 45. r. *vivum*. f. 78. l. 23. r. or. f. 81. in note o. r. *Munimised*. f. 84. l. penult. r. *Priest*. f. 126. in note g. r. *Graddis*. f. 131. l. 13. r. matter. f. 134. l. 21. r. *Algar*. f. 142. in note b. r. *Ferraris*. f. 153. in note, l. 1. r. *Scow*. Ibid. l. 5. r. *Wih*. f. 158. in note c. 7. r. 1. *Fobannu*. locadem l. after Castle insert and. Ibid. l. 10. r. 7. *Fobannu*. f. 170. l. 8. r. *Antioch*. f. 176. l. 8. r. *Wauk*. f. 188. l. penult. r. *Tostl*. f. 189. l. 20. r. *Daubin*. f. 191. l. 22. r. *Presclures*. Ibid. note. l. 5. r. *Sairapa*. f. 205. in marg. against the figure 6. r. *Dolorem*. f. 207. l. penult. r. *three*. f. 213. l. 34. r. *fifib*. f. 248. l. 43. r. *Mauley*. f. 255. in note k. r. *Oppidani*. f. 301. in marg. A. r. *Blage*. Ibid. in marg. C. r. *Serres*. f. 307. l. 3. r. *Britans*. f. 314. l. 15. dele against it. f. 318. l. 17. r. *Ansebelli*. f. 349. l. 43. insert *Wirellacum*. f. 384. l. 29. dele *Smade*. f. 466. l. 26. r. *Constitio Regni*. f. 477. l. 21. after upon insert him. f. 514. l. 2. after Castle insert of Cambridge. f. 524. l. 5. r. *Servientes*. f. 549. l. 20. r. arrived. f. 575. l. 42. r. *Me*. f. 592. l. antepenult. r. *whit*. f. 613. l. 21. after would, r. *whit take effect*. f. 627. r. *Elpamir*. f. 646. l. 16. after not said, dele *no*.

A Catalogue of the Authors used in this History, with an account what they were, when they wrote, and where to be found.

A *Julii Caesaris Commentaria*. Lugduni Batavorum, 1651.

Historia Auguste Scriptores Sex. Lug. Bat. 1661.

Lipsius his *Tacitus Antwerpia* 1648. *Tacitus* [1] was *Equestris Ordinis* amongst the Romans, and employed in many publick Offices in the Empire: He wrote his Book *de Moribus Germanorum* 100 years after Christs Birth, and about 130 years after *Caesar* wrote his Commentaries.

Suetonius per Schildium. Lugd. 1656.

Herodian Printed by *Stephans* 1581. He flourished about the year of Christ 224, in the time of *Alexander Severus* the Roman Emperor.

C *Amianus Marcellinus*, [2] he was a Greek, and a Soldier in the Roman Army under *Constantinus* and *Julian* in *Gallia* and *Germany*, a constant Companion of *Ursinius* in the Wars of Europe and *Asia*: He wrote thirty one Books of History, and began with *Nerva* where *Tacitus* left off, whom he strove to imitate. Of which the thirteen first Books are lost, the other eighteen remain, beginning in the eighteenth year of the Empire of *Constantinus* Son of *Constantine* the Great, *Anno Domini* 354. and ending [3] with the Death of the Emperor *Valens*, *Anno Domini* 378, and of his Empire the fourth.

Entropius [4] was a Greek, and Contemporary to *Mircellinus*, and a Soldier under *Julian* the Emperor, and was with [5] him in his expedition against the *Parthians*, *Anno Domini* 363; and wrote his *Breviarie* [6] of the Roman History, at the Command of *Valens* the Emperor, unto his Time.

Cassiodorus was [7] Senator of *Ravenna*, Consul of *Rome* and Chancellor to *Theoderic* King of *Italy*, afterwards leaving the world was made a Monk and Abbat of a Monastery in *Ravenna*; he was born *Anno Domini* 480. and dyed *Anno Domini* 575. Amongst other thing he wrote in twelve Books various forms of Epistles and Creations of Magistrates, and other things according to the use of those times he lived in.

Gregory Bishop of *Tours* [8] flourished in the time of *Maurice* the Emperor about the year of our Lord 600. and wrote ten Books of History besides other things.

Beda [9] a Benedictin Monk of *Wiremuth*, he wrote very many Books and Treatises, amongst the rest the Ecclesiastical History of

[1] Cluver. lib. 1. Antiq. German. fol. 3. & 88, he was Procurator Belgii.

[2] Am. Marcell. Hist. in fine. Testimon. ante Hist. Imp. Lugd. 1591.

[3] Chronol. Mircell. in fine Historie.

[4] Eutrop. lib. 10. de fe.

[5] Vincti Epistola ante Eutrop. Bist. 1554.

[6] Testimon. ante Marcell. Lugd. 1591.

[7] Trithem. p. 94.

In the beginning of Cor- pus.

[8] Hist. Frank. Vet. by Marquard Freher Hano. A. D. 1613.

[9] Trithem. p. 107. 108.

England; he dyed *Anno Domini* 732. according to *Pitissus* [1] 734. aged Seventy two years.

Alwin [2] a Domestic in the Family of *Charlemaign*, his great Familiar, and as some say Preceptor to him, by whose advice he founded the University of *Paris A. D.* 791. or 792. according to *Isaacson*: He was *Peder* Scholar. A Ms Book in *Cains Coll.* Library says he wrote *Charl. magni* life, and only such things as he saw, and was present at, as he says in his Prologue.

Eginhartus [3] Chancellor or Secretary to *Charlemaign* wrote four Books of his life Printed in Quarto at *Lipsig.* without date, and in Fol. amongst the *Veteres Scriptores German.* *Hanovie* 1619. This is the same Book that bears the name of *Alwin*, and these might be divers names of the same person; for *Eginhart* weary of the world [4] built a Monastery at *Selingstat* in the Diocese of *Ments*, and was the first Abbat of it, whence he might take upon him the name of *Alwin*; he was living after *Charles* the Great in the Reign of *Ludovicus pius*.

Aimonius [5] wrote four Books *de Gestis Francorum.* of the Acts of the French, and drew down his History to *Pipin*, Father of *Charles* the Great. The whole fifth Book and part of the fourth, though they bear his name, were written by others: He lived about the year 872, and upwards.

Adelmi or *Ademarii* [6] a Benedictin Monk, a Contemporary to, or one that lived not long after *Aimonius*; He wrote the Annals of *Pipin*, *Charles* the Great, and *Ludovicus Pius* Kings of *France*: Others think they were wrote by *Acwin* an English Deacon, a Domestic of *Ludovicus Pius*, and Preceptor to *Charlemaign*.

Witichind a Monk of the Abby of *Corbey*, a German, wrote from the beginning of the Saxons to the Death of *Otho* the first Emperor of *Germany*, *Anno Domini* 973. *Corbey* Abbey was built by [7] *Charlemaign* in the Circle of *Westphaly* near the *Wefer*; and the Abbot thereof [8] is one of the Ecclesiastic State or order of that Circle.

Dudo Dean of *St. Quintinus* in *Picardie*; He [9] wrote the Lives of the three first *Norman* Dukes or Earls, *Rollo*, *William* the First his Son, and *Richard* the First, *Williams* Grandchild: He lived in the time of *Richard* the First, who [1] dyed in the year 1002, and began his History at his Command, and finished it after his Death by order of *Richard* the Second his Son.

Wippo was Capellane [2] to *Conradus Salicus*, who was chosen Emperor *Anno Domini* 1024. and wrote his life, and such things only as he saw and heard from very credible persons, amongst the German Historians; put out by *Pistorius*, and printed at *Frankfurt* 1607.

Gulielmus [3] *Pitaviensis* wrote the Acts of *William* the Second Duke of *Normandy*, and King of *England*, commonly called the Conqueror; he was first a Soldier, [4] afterwards a Priest, and a long time Chaplain to *William*, and Arch-Deacon of *Lisieux*; he wrote such

such things as he saw and was present at, but ended [5] his History in the year 1070.

Ingalphus [6] Abbat of *Croyland*, sometime Secretary to *William* the Conqueror when Duke of *Normandy*, whose Father also had born Office in the Court of *Edward* the Confessor: He wrote the History of *Croyland* Abbey; [7] and as they tell in many other matters, he Translated many Charters and Chirographs out of Saxon, into the Latin of those times, wherein he renders many Saxon words and things, by the legal phrase and Dialect of the Normans. He was installed [8] Abbat 1076. and wrote some part of his History at least after the Survey finished, for he [9] took a Copy of the Lands belonging to *Croyland* Abby out of it.

Gulielmus Gemeticensis [1] a Monk of *Gemetium*, now *Jumegies* a Monastery in *Normandy*, abbreviated *Dudo*, and wrote the Acts of the succeeding Dukes, and [2] Dedicated his work to *William* the Conqueror. The Acts of *Henry* the First imputed to him were probably wrote by some other.

Sigebertus [3] *Gemblocensis*, a French man born, and Benedictine Monk of *Gembours* in *Brabant*, he wrote a Chronography from the year 381 to the year 1112, in which he dyed, it being continued by *Robert* [4] *de Monte* to the year 1210. *Paul* the Deacon or *Warnefrid* a Monk of *Cassino* (now *St. Germano*) in the Kingdom of *Naples*, by Nation an Italian, or Lombard, [5] for his Learning was called into the service of the Emperor *Charles* the Great.

Florentius [6] *Bavonius* a Monk of *Worcester* wrote a general History from *Adam* unto the year 1118, which was continued unto the year 1141 by another Monk of the same Monastery, and dyed 1119. 19^o. *Hen.* 1^{mi}.

Eadmerus [7] Surnamed *Canter* or *Chanter*, born in *England*, a Monk of *Canterbury* of the Order of *St. Benedict*, afterwards Abbat of *St. Albans*, and lastly Bishop of *St. Andrews* in *Scotland*, was a great friend and intimate of *Anselmus* Arch-Bishop of *Canterbury*, a companion with him in his Exile, and privy to all his Counsels and actions; he was [8] made Bishop of *St. Andrews* 1121 in the 21st year of the Reign of *Hen.* 1st. and was a Monk of *Canterbury* in the Conquerors time, being in the company and presence of Arch-Bishop *Lanfranc* when he received the first news of *Williams* Death, as he testifies of himself, f. 3. lin. 42.

Ordericus Vitalis a Monk [9] of *Uticum*, or the Monastery of *St. Ebrulf*, now *St. Enrole* in *Normandy*, born in *England* *Anno Domini* 1075. and lived 67 years: At [1] eleven years old was entered into that Monastery *A. D.* 1086. and there lived 56 years, his History is chiefly Ecclesiastic, but intermixt with much secular Story, and continued unto the year of our Lord 1121. He dyed *An. Dom.* 1142.

Simon [2] *Dunelmensis* ended his History *Anno Domini* 1130. in the 30th. year of *Hen.* the 1st. and Dyed not long after; he was a Monk,

[1] *Ib. f. 51.*

[6] *Hist. Croyland f. 511. b. n. 40. ib. f. 514. lin. 3.*
[7] *Ib. f. 518. b. n. 20.*

[8] *Ib. f. 2. 11. 8.*
[9] *Ib. f. b. 516. n. 10.*

[1] *Order. Vit. Prolog. li. 3. f. 458. A.*
[2] *The Epistle to Duke William f. 215. A. B.*

[3] *Rob. de Monte A. 1113.*

[4] *Trithem. p. 150.*

[5] *Sigebert de Script. Hist. f. c. 80.*

[6] *Bal. de Script. Ang. Cent. 2. c. 66.*

[7] *Selden prefat. ad Eadm. f. 114. ex Piff. Mss. 12. 199.*

[8] *Simon Dunelm. 1121.*

[9] *f. 548. A. 824. A. B. &c.*

[1] *Prefat. ad Script. Norm.*

[2] *Selden in Prefat. ad Script. X. Antiqu.*

The Names of the Authors

Monk and Praecentor of that Church of *Duresm*, and a Learned Man in that Age, but transcribed much out of *Florentius* of *Worcester*.

The Continuer of *Florence* [3] a Monk of the same Monastery, who continued his History from the year 1117, to the year 1142, he lived and wrote in the time of King *Stephen*.

William a Benedictine Monk of *Malmesbury*, Dedicated his History to *Robert Duke of Gloucester*, Natural Son to *Henry the First*, who began to Reign *Anno Domini* 1100, and dyed 1135, he wrote unto the year 1144, as appears in his [4] Novels he wrote from the first coming in of the Saxons to his own time.

Henry Arch-Deacon [5] of *Huntington* wrote a History of the Kings of *England*, and retired to *Rome* and lived there some time for that purpose: He was in his time accounted a Learned Man, and continued his History unto the year 1154; he flourished in the Reigns of *Henry the First* and King *Stephen*, and took much of his History, and Transcribed in many places *Florence* of *Worcester* verbatim.

Roger de Hoveden [6] was a Priest in *Oxford* and a Domestick in the Court of *Henry the Second*; in many or most things he followed and transcribed *Simeon Dunelmensis*, and added many things out of other Authors, and wrote well and faithfully; he wrote the Annals and memorable passages of the Romans, Saxons, Danes, Normans and English to his own time.

Quadrilogus or the Author of the Book Intituled, [7] *de Vita & processu Sancti Thome Cantuariensis & Martyris Super libertate Ecclesiastica*, Collected it out of four Historians who were Contemporaries and conversant with him in his height of Glory and lowest Depression, viz. *Herbet de Hotham*, *Johannes Carnotensis*, *William* a Monk of *Canturbury*, and *Alan Prior* of *Tewkesbury*, and they are brought in or named as Relators of matter of Fact interchangeably. Printed at *Paris* by Master *John Philippi* an *Alman*, in the Street of Saint *James*, at the Sign of St. *Barbara*, *Anno Domini* 1495, on the second of *April*. The Pages are not numbered, nor but few of the Chapters. *Gervase* the Monk of *Canturbury* commends his Readers to three of these in his Relation of the Acts of this *Thomas* Col. 1637. n. 40. for their further satisfaction, viz. to *Herbert*, *John* and *William*, and in the Acts of the Council of *Clarendon*, and *Northampton* in *Labb. Tom.* 10. Col. 1425. 1433. &c. and others. This Book is much used by the Name of *Quadrupartita Historia*.

Ranulphus de Glanvill [8] Chief Justice of *England* in the time of *Henry the Second*, wrote *de legibus & consuetudinibus Anglie*. These in a Mr. Book in *Cottons Library* are Intituled *Henry the Second's Laws*. [9] He went with *Richard* the First into the Holy-Land, and Dyed at the Siege of *Acon* A. D. 1190.

Fitz-Stephen, or *Gulielmus Stephanides*, [1] were both one person and the very same with *Gulielmus Cantuariensis* the Monk of *Canturbury* above mentioned; He lived in the year 1190: In the beginning of *Richard* the First, his Book hath this Title, *Vita Sancti Thome Archiepiscopi*

used in the Work.

piscopi & Martyris Cantuariensis Ecclesie, and is to be found in *Cottons Library*, under the Effigies of *Julius A. XI*. Amongst other small pieces. p. 113. the life of *Thomas* that goes under the name of *Fitz-Stephen*, seems to have been wrote by *John Carnotensis*; for in the *Quadrupart* History, what is wrote from him is often in the same words in that life attributed to *Fitz-Stephen*, and never in *William* of *Canturbury*.

A *Gul. Neubrig.* [2] was born A. D. 1135. and continued his History to A. D. 1197. 8^o Ric. 1.

Gervasius Dorobernensis [3] a Benedictine Monk of *Canturbury*, he was living in the time of King *John*, *Anno* 1200, and reputed a very good Historiographer, having Collected a great many Historians from whom he wrote British, Saxon, and Norman Story. He was made a Monk by *Thomas Becket* and ordained. For speaking [4] of the Death of *Thomas*, and his own respect to him, he saith thus, *Mihi namque Monachatum concessit, eo Anno quo ipse fuit in Archiepiscopus Sacratu, & ei professionem feci, & ipse me ad sacros Ordines promovit.*

Benedictus Abbas was Abbat [5] of *Peterburgh*; he wrote the Acts of *Henry* the second, and the life of *Thomas Becket Arch-Bishop* of *Canturbury*, and flourished in the year 1200, he began his History *Anno Domini* 1170. 16. Hen. 2^{di}.

Gervasius [6] *Tilburiensis*, or the supposed Author of the Red and Black Books in the Exchequer, (*de necessariis Scaccarii observandis*) Dedicated to *Henry* the Second, had his Name from *Tilbury* a known Town in *Essex*, Seated upon, or near the *Thames*; Nephew of *Hen. 2^d*. and received much of his knowledge of the Chequer affairs from the Information [7] of *Henry Bishop* of *Winchester*, who was Son to *Stephen Earl* of *Blois*, by *Adela* one of the Conquerors Daughters, Nephew to *Henry the First*, who gave him the Bishoprick; and Brother to King *Stephen*. This [8] *Gervasius* was living in the time of King *John* 1210. He lived in *Hen.* First his time, *ib.* 26. b. and had much of his knowledge of the Chequer from *Roger Bishop* of *Salisbury*, *ib.* f. 27. b. and *Nigell Bishop* of *Ely*, fol. 38. a. b. whose business he Transacted when infirm.

E *Radulphus de Diceto* [9] Dean of *St. Pauls London*, flourished about the year 1210, he was accounted an excellent Historian, and a very diligent Collector in his Time.

Syloester Giraldus Cambrensis, [1] a Welch-Man of the Illustrious Family of *Barry*, as he says of himself, *lib.* 1. c. 41. He was first Arch-Deacon of *Brecknock*, then of *Saint Davids*, and afterwards Arch-Bishop of *Saint Davids*; he [2] was many years a Student beyond Sea, from whence *Hen. 2^d*. called him home, made him his Secretary and Tutor or Governor to his Son *John*, and sent him with him into *Ireland*. See *lib.* 2. c. 31. Amongst very many other works he wrote the Topography or local Description of *Ireland*, *ib.* and the Conquest of it by the English; and wrote what he knew and saw, as he testifies of himself, f. 808. *lin.* 6. He dyed at *St. Davids* about the year 1210, and was there Buried. He is to be found amongst the Ancient Writers of English, Norman, Irish and Welch Matters

[2] *Bellarmine* de script. Ecclesiast. p. 330.

[3] *Selden* Praefat. ad Antiquitates 10. f. 131.

[4] *Chron.* Gervas. Col. 141 B. n. 10.

[5] *Pisius* in A. 1200. Gesta Hen. 2^{di}. in Bibliotheca Cotton. fol. A. XI.

[6] *Balans* in Genturia 314. de Gervasio Tilb.

[7] *Pride ipsum* lib. 1. in Bibliotheca Calo-Gonvill. Cantabrig. 41. a.

[8] *Balans* *ibi*

[9] *Pisius* in that year p. 282.

[1] *Pisius* A. D. 1210.

[2] *Hammers* Chronicle of Ireland, f. 68.

The Names of the Authors

Matters, put out by *Camden* in one Volume, Printed at *Frankfort*, A. D. 1603 In the Proëme of his second Edition to *St. John* f. 811. n. 40. he says he wrote when he was with him in *Ireland*, clearly and distinctly what had been done by all the great Leaders, and persons until they left the Nation.

Henry de Bratton [3] a Justice Itinerant 29 *Hen. 3d.* A. D. 1245. skilled also in the Civil Law of the Romans, wrote this Book toward the latter end of *Hen. 3d.* of the Laws and Customs of *England*, according to the Method of *Justinians Institutions*; he also lived and was a Judge in *Edw. 1st.* his time.

A Survey of All the Manners belonging to the Bishoprick of *Ely*, made in the 32d. of King *Henry 3d.* A. D. 1248.

Chronica Normannia [4] containing many things referring to the English and French, from the year of Christ 1139, to the year 1259, out of an old Book in the Library of the Canons Regular of *St. Viſtor* in *Paris*. Published amongst the old Norman Writers by *Andrew du Chef*. Printed at *Paris* 1619. The Matter and words of this Chronicle unto the year 1161, are taken out of *Robert de Monte*, who was Abbat of the Abby of *Monte Michaelis in periculo Maris*, of *Mount Michael* upon the Sea-shore in the further part of *Normandy* next *Britany*; he was esteemed a Learned Man, and lived in the time of King *Hen. 2d.* He continued *Sigebertus Gemblacensis*.

Matthew Paris [5] a Monk of *St. Albans*, was Historiographer to *Hen. 3d.* and received an Annual Stipend from him. He dyed in the year 1259, and 43d. of that King; he was continued to the end of that Reign (as is supposed) by *William Rishanger*, another Monk of that Abby, who was also the Kings Historiographer, and received his Stipend. *Paris* mostly in the beginning of his History, Transcribed *Roger Mendover* his Predecessor, Historian also to the King, and a Monk of the same Monastery: He wrote to the year 1225, and 20th of *Hen. 3d.*

John de Bretton [6] one of the Justices of the Kings-Bench in the 53d. of *Hen. 3d.* wrote a Book in Law French of the Common Law of *England*, called *Bretton*, at the Command of *Edward* the First, [7] who had a purpose to make Law certain, and to be put in writing, and therefore caused Books to be made by the Judges and others most knowing Men in the Law, whereof this was one. *Selden* [8] affirms *Bratton* and *Bretton* to be the same person, whose Name was Diversly written, and to be the Author of both the Books, that in Latin and the other in French.

Johannes Brompton Abbat [9] of *Jorvaulx* in *Richmondshire*, or the *Anonymus* History that passeth under his Name, and was only a History procured by him, and reserved in the Library of that Monastery; was wrote about or after the beginning of the Reign of *Edward 3d.* and hath taken many things out of *Hoveden*. *Pitſius* says he was a *Cistercian* Monk, but when he lived, knows not. *Bale* doth not mention him.

Flatsbury

used in the Work.

Flatsbury often cited by *Campion*, *Camden*, *Stanburſt* and *Dr. Hammer*, in what they have written about the Irish Affairs. This name was given by [1] *Campion* to certain short Chronological Notes taken up by an unknown Author, from the time *Cambrenſis* endeth, unto the year of our Lord 1370. See *Campions* Epistle to the Reader before his History of *Ireland*, Dated at *Drogheda*, June the 9. 1571. He gave them this Name, because [2] one *Philip Flatsbury* Transcribed them, and added Collections of his own, for the use of *Girald*, the Father of the then Earl of *Kildare*. A. D. 1517.

Ranulphus [3] *Cestrenſis* had the Reputation of an industrious and diligent Writer by our Ancestors, Especially *Leland*: He lived in the Reign of *Edward 2d.* He wrote from the beginning of things, and brought down his History to the end of his Reign 1377, or perhaps only to the year 1344, as Mr. *Selden* observes.

Henricus de Knighton [4] Canon of the Abby at *Leicester*, lived in the time of *Richard 2d.* and brought down his History unto the year 1395.

Theodorick [5] *de Neim*, *Literarum Apostolicarum Scriptor* to Pope *John 23d.* he wrote *Privilegia & Jura Imperii*, and the Right of Electing the Pope, and Investiture of Bishops by the Emperors, and Roman Kings. Printed at *Basil Anno Domini* 1566, in *Cains Coll.* Library. In the same Volumn are *Johannes Parisiensis de Potestate Regia, & Papalis, & Marſilius Patavinus de translatione Imperii*, with other small Tracts.

Walsingham [6] lived in the time of *Henry 6th.* was his Historian, and a Monk of *St. Albans*.

Mathew a Monk of [7] *Westminster-Abby*, called *Florilegus*, for his judicious collecting the Chief Matters out of several Historians that wrote before him; Especially *Mat. Paris*: He ends his History with the Death of *Henry 3d.* A. D. 1377, and lived not long after him.

John Abbat [8] of the Monastery of *St. Martin*, the Bishop of *Spanheim* of the order of *St. Benner* in the Dioceſe of *Mentis*, a German, born at a Town called *Trittenheim* in *Mosel*-gave in the Dioceſe of *Triers*. He completed his Book *de Scriptoribus Ecclesiasticis* A. D. 1494.

Hector Boethius [9] a Doctor of *Aberdeen* in *Scotland*, he flourished in the year 1497, and wrote seventeen Books of the History of *Scotland*, and brought it down [1] to the end of the Reign of *James* the 2d. Printed at *Paris* 1575. An Author of no great Credit.

Andrae Alciati Comment. in *jus Civile*, Tom. 2. *Basil.* 1529.

Pancirolli Notitia utriusque Imperii. *Lugd.* 1608.

[1] *Campions* History of *Ireland* f. 68.

[2] *ib. &* 177.

[3] *Selden* in *Præfat.* f. 47.

[4] *Selden* *Præfat.* to *X. Authors* f. 47. *Pitſius* A. D. 1380.

[5] The Author of himself f. 787. B.

[6] *Phs. A.D.* 1440.

[7] *Pitſius* in the year 1377.

[8] *De ſeipſo* in *lib. de Scriptor. Ecclesiasticis* pa. 402.

[9] *Poſſius* de *Hiſtor. Latin.* p. 615. [1] *Pride* *Buchan* *lib. 11.* in fine.

The

The Names of the Authors, &c.

The German Laws, *Eudenbergius* his *Codex Legum Antiquarum*. In fol. 2. Vol. Printed at *Frankfort* 1613.

Gryphander Professor of Law at *Gulick* and at *Jene*, and *Reinoldus Remeccius* his Predecessor, both Historians, as also *Henricus Meibomius*.

Johannes Loccennii Antiquitates Sueco-Gothice. *Holmiae* 1654.

Annales Monasterii Burton. *Oxon*, 1684.

Domesday Book in the Custody of the Chamberlains of the Exchequer.

Patent and Close Rolls in the *Tower of London* thus cited, *Rot. Pat. or Rot. Pat. Cl. or Claus.* Fine Rolls; the Pipe Rolls in the Exchequer, and other Records and Ancient Monuments in other places.

Register of *Abendon* or the Abby of *Abington* in *Cottons Library* Sub *Effigie Claudii*, B. 6.

Records in the Tally Office, and Pipe Office, with the Kings Remembrancer, &c.

The Close Rolls, and Patent Rolls in the *Tower*.

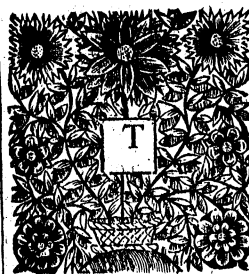
Charter Rolls in the *Tower*.

THE E

F

O F

Cajus Julius Cæsar.



Here being no Certain Account Extant of things done in this Nation, before the Coming of *Julius Cæsar* hither; I shall from that time begin this *History*, and out of his own *Commentaries*, and other allowed Authors of the *Romans*, briefly relate the Affairs of *Britain*, during their *Rule* and *Empire* here.

He then having brought under the Roman Obedience the greatest part of ^a *Gallia*, was, by the *Senate*, Deceased Governor thereof for Five years: Mo-

ved with Revenge, because the *Britains* had often Aided the *Gauls* in their Wars against the *Romans*, or, by his own Inclination, to attempt Great Things, whereby he might advance the *Glory* of the *Roman Empire*; Resolv'd upon a Voyage into *Britain*, toward the latter end of Summer; and though he should then want time to carry on the War he designed, or the Season prove unfit for it, yet he thought it might be of great use to him for the future, if he entered the *Isle*, knew and understood the *Mens*, *Places*, *Ports*, and *Accesses*; almost all which were unknown to the *Gauls*, for they admitted none but Merchants into the *Isle*, and these only knew the Coasts which lay over against *Gallia*.

But before he adventur'd himself, he sent *Cajus Volusenus*, a *Military Tribune*, in a *Long-Boat*, or *Galley*, with Command, to Discover all things, and that he should Return to him as soon as might be (who being thus dispatcht) he Marched with his Army toward the ^b *Morine* Coast, from whence was the shortest passage into *Britain*, where he appointed his *Shipping* to meet him: In the mean time his Design being Discover'd to the *Britains*, many of the *States*, or *Cities* send ^c *Embassadors*, who Promise *Hoftages*, and Obedience to the *Roman People*: To whom having given Audience, he makes large Promises, Dismissing, and Exhorting them to continue in the same Resolution.

With them he sent *Comius* of ^d *Arras*, whom he had made King of that place; of whose *Courage*, *Wisdom*, and *Fidelity* he was allu-

(a) *Gallia, France*. (b) The *Morine* Coasts extended from *Calis* to *Newport* in *Flanders*; and the *Morini* possessed *le Boulonois*, the County of *Guines*, and part of *Tenouile Flan-ders*. (c) 'Tis probable *Mandubrace* and *Comius* might be these *Embassadors*, or some of them, as may appear hereafter; from whom *Cæsar* might receive Incouragement to In-vade *Britan*. (d) *Arras* *Attrebatum*, now the Chief City in *Artois*.

Cajus Julius Cæsar, 13, 54, 55, 60 Years before *Christ*.

Comment. lib. 4. p. 132.

Dio Cassius, fo. 63.

What moved *Cæsar* to At-tempt *Britain*.

He sent *Cajus Volusenus* be-fore, to Discov-er the Island.

Comius, King of the *Attreba-ti* in *Britain*.

B

red

Cajus Julius
Cesar, 53, 54,
55, 60 Years
before Christ.

c.
f.
g.
The Seventh
and Tenth Le-
gion.

- h. The Nature of the Place was such, that by reason of ^h steep Hills inclosing the Sea on each side, making a narrow Bay, it gave the Britains great advantage in casting down their Darts upon those underneath; ⁱ Caesar thinking this place unfit for Landing, put off from the Shore, and lay at Anchor until the Ninth ⁱ hour, expecting the rest of his Fleet; Meanwhile calling together his ⁱ Lieutenants, and ^k Tribunes, he declared unto them what he understood by Volusenus, and what he would have done, warning them, that as the state of that War, and especially the Sea Service required, they would be ready to ply too and fro at a Beck, and in an Instant: This done, having advantage both of Wind and Tide, giving a Signal, they Weighed Anchor, and Sailing about Eight Miles from that place, came to a ^l plain and open Shore.

But the Britains knowing their Intentions, sending before their Horses and Chariots, their Main Body following after, endeavored to prohibit their Landing; Their Ships, by reason of their Greatness, drew much Water, and could not come near to the Shore, so that the Roman Soldiers were forced, in places unknown, and over-laden with Armor, to leap into the Water, and Fight with their Enemies, who being upon dry Ground, or not far into the Water, nimbly assaulted them with their Darts, and boldly forced their Horses and

The First Cohort called Militaris, contained 115 Foot, and 132 Horse, Armed Cap-a-p. and was the Chief of the whole Legion, the other contained about 555 Foot, and 65 Horse, Greeks, Legion, Cohort, and Maniples, and how many.

(e) 'Tis thought he was King of the Atrebatii (Barkshire) in Britain, who went into Gallia, and served under Caesar, and was a great Instrument of the Britains Submission to him, happily by Treachery, otherwise he would not have been Imprisoned by them, they not using the same Practice towards other Envoyes. (f) The Romans called other Nations, Barbarous, as the Greeks did those that were no Greeks. (g) About 7000, a full Legion consisting of 10 Cohorts, every Cohort of 3 Maniples, every Manipulus 2 Centuries, every Century 100 Foot, and for every 1000 Foot there were 100 Horses; they were called Maniples, from a handful of Hay used for an Ensign. (h) The Valley where Dover is Seated, between 2 Cliffs, or High Hills, one upon which the Castle is built, the other on the South-side of the Town, where there slides into the Sea a small River, in which Valley was formerly the Haven or Bay, when the Sea more Inundated it self into the Land, which may be Collected from the Anchors and Ship-planks there found: Upon these Hills the Britains appeared, &c. (i) Three of the Clock Afternoon. (k) They had the Command of 1000 Men, and in every Legion there were 6 of them, they executed the Office both of Colonel and Sergeant-Major. (l) This flat and open Shore is where Sandown, Deal, and Walmer Castles are placed, about 7 or 8 Miles North of Dover.

Chariots

Chariots upon them: with which kind of Fight, the Romans being unacquainted, were terrified, and failed much of their wonted Courage they had shewn in their Land Battels.

Which Caesar taking notice of, caused the Long-Boats, or Gallies, being swift, and more serviceable (an unusual sight to the Britains) to put off from the Greater Ships, and Row toward the open side of the Enemy, and from thence with Arrows, Slings, and other Warlike Engines, to drive them back: This Project succeeded well, for the fashion of these Ships, the motion and noise of the Oars, and the unusual kind of Engines amazed the Barbarous People, causing them to make a stand, and then retire a little; but, the Water being deep, the Roman Soldiers making no halt to pursue them, the Standard, or Eagle-Bearer of the Tenth ^m Legion, first invoking the Gods, and Praying for Success to the Legion from that Action, spake aloud, Leap down fellow Soldiers, unless you will betray your Standard to the Enemy, for my part I will perform my Duty to the COMMONWEALTH and GENERAL: This said, he leaps over-Board, and advanceth the Eagle against the Enemy; the rest exhorting one another, not to admit the Disgrace, of Losing their Ensign, all leapt out of that Ship, being followed by those in the next Ships.

Now began a sharp Fight on both sides; the Romans were much disappointed, that they could neither keep their Ranks, nor fight upon firm Land, nor follow their own Ensignes, for every one ran confusedly to that which was next him: The Enemy knowing the Shallows, espying the Romans as they came single out of their Ships, urged forward their Horses, and many setting upon a few, incumbered with Armor, dispatcht them, while their Main Body resolutely assailed those on the Shore, which Caesar perceiving, Commanded the Cock-Boats and Pinnaces to be Manned with Soldiers, causing them to ply up and down with Relief, as they saw need: The Romans at length being Landed, got their Foot into some good Order, and gave a fresh Charge upon the Britains, putting them to Flight, but were not able to pursue them far, for want of their Horses.

The Britains thus overcome, forthwith upon their Retreat, send Ambassadors unto Caesar, Promising Hostages, and to do whatever he should Command; with them Comius of Arras returned, whom bringing to them the Generals Commands, they had Imprisoned, so soon as he came out of the Ship, and now after the Battle Released; They blame the Multitude for this Violence, and for their Imprudence ask Pardon.

Caesar Reproving them for making War without Cause, after they had sought Peace, yet content to Pardon them, Commands Hostages, whereof some he received presently, and others being to come from remote Places, were to be sent within few dayes: Meanwhile the Britains were dismiss'd, and sent home, and many Princes came from all parts of the Isle, submitting themselves, and their Cities to Caesar.

The Fourth Day after the Romans Landing, the 18 Ships before-mentioned, appointed for Transporting the Horse, put to Sea from

(m) Every Legion had a small Eagle, made of Silver or Gold, for its Ensign, fixed on the top of a Spear, with its Wings displayed, and this Eagle was never exposed to the Enemy, or put in hazard but in desperate Battels.

the

Cajus Julius
Cesar, 53, 54,
55 Years be-
fore Christ.

The Britains
amazed at the
Ships, and War-
like Engines of
the Romans.

m.
The Roman
Standard-Bear-
er Leaps over-
board with the
Eagle, and ad-
vanceth it a-
gainst the En-
emy.

The Britains
put to Flight.

Comius of At-
ras Imprison'd,
and Freed as
gain.

Cajus Julius
Cæsar, 53, 54
Years before
Christ.

11.

O.
The Roman
Ships (in which
their Horse
were) scattered
by Storm.
Many of their
other Ships
made Unser-
viceable.

The Britains
Confederate,
and Revolt.

Cæsar repairs
his Ship.

P.
The Britains
discover'd.

Courts of Guard
whence that
Phrase
To be in Station
before the
Camp, what

the Upper "Haven, with a favorable Gale, and approaching the Island, in view of the Roman Camp, a sudden Storm arose and scattered them, driving some back to the Port from whence they came, and others upon the lower part of the Island, Westward, with very great danger; where, being at Anchor, they were almost filled with the Waves; so that they weighed Anchor, stood off into the Main, and in that Tempestuous Night recovered the Continent: The same Night, the Moon being at the Full, the Tide filled the Gallies, and Long-Boats, that had Landed the Army, and were drawn on Shore; (the Romans being unacquainted with Spring-Tides) the Greater Ships also that lay at Anchor, were Storm-beaten, and many of them split, and the rest rendred unserviceable; their Anchors and Tackling being lost and spoiled, to the great disturbance of the whole Army, who now had neither Shipping to carry them back, nor Means to repair those Ships the Tempest had disabled, nor Provision to support them here, Cæsar having before resolved to Winter in Gallia.

These things being known to the Chief of the Britains, who, being met together, to perform such things as Cæsar had Committed to them, Consult together, and think it a fit Opportunity to Revolt, while the Romans wanted Horse, Shipping, and all manner of Provision; the Number also of their Forces seeming the less, in respect of the small Circuit of the Camp (Cæsar having Transported his Legions without Carriages) Resolve, To stop all Provisions, and spin out the War till Winter; and, to that end, they privately, one by one, withdraw from the Camp: Cæsar, though Ignorant of their Intentions, yet, from his Present Condition, and their not sending Hostages, he suspected that which afterwards happened; and therefore to provide against all Accidents, he caused Corn daily to be brought out of the Fields into his Camp; and with such Ships as were disabled, and other Materials brought from the Continent, he repairs the rest; by which Means, and the Diligence of his Soldiers, all but Twelve ships were again made fit for Service.

While these things are doing, the Seventh Legion, according to Custom, was sent forth to Forage, without any suspicion of War (some of the Britains remaining in the Fields, near hand, and others going and coming freely into the Roman Quarters) They which were in Station at the Camp Gates, gave notice to Cæsar; that the same way the Legion went, there appeared a greater Dust then was wont to be seen, he guessed it was some new Practice of the Britains; commands the Cohorts in Station to follow him thither, appoints two others to succeed them, the rest to Arm, and speedily to follow him: he had not marched far, when he perceived his Soldiers much overcharged by the Enemy; who assailed them on all sides with their Darts: for they having conveyed their Corn from all other parts (this only excepted) doubted not but that the Romans would come

(u) Those Ports which Cæsar mentions (that it may be noted once for all) were not very considerable or commodious Ports, but such as he was necessitated to use, and happily were, rather Portuous Havens, or Baylike Shores, then true Ports, such as Fishermen now only frequent, or as may have been changed and altered by the access or recess of the Sea: 'tis probable this Upper Haven is Amblesay, a small Haven about 8 Miles North-East from Bologne, as Cæsar hinted before. (o) Gallia. (p) It was the Custom of the Romans to place whole Cohorts and Troops before the Gates of their Camp, never less then one Cohort and one Troop, sometimes more when near the Enemy. Hence our English Phrase, Court, or Cohort of Guard; they were said to be in Station, from the Po-
lure it self; for, upon this Duty they did always stand, both Horse and Foot.

thither,

thither, lay in Ambush for them; whom (having laid down their Arms) being dispersed, and at their Labor in Reaping, they set upon, killing some, and putting the rest into disorder, compassing them about with their Horse and Chariots.

Their Manner of Fight with their Chariots was thus; They first rode about their Enemies throwing Darts, where they saw advantage, and oft-times, by the Fierceness of their Horses, and Ruffings of their Wheels they brake their Ranks, and crowding themselves in amongst the Troops of Horse, they leapt out of their Wagons, and fought on foot: The Charioteers, or Drivers, in the mean while, withdrew from the Battle, and so Placed themselves, that their Masters being oppressed in Fight, or out-nimbred, might find a Ready Retreat unto them; having performed the Duties of Horsemen in their nimble-Motion, and of Footmen in keeping their ground: They, by use, were so expert in Managing their Horses, that being on a Speed down a steep Hill, they were able suddenly to stop, or turn them; To Run along the Draught-Tree, or Chariot-Pole, to stand firm upon the Yoke, and to return speedily into their Chariots: The Romans being Over-set with this new kind of Fighting, Cæsar came opportunely to their Assistance; for, upon his appearing, the Britains made a stand; and, the Romans, for fear, retreated to their General; who, thinking it not a fit time to provoke the Enemy, by offering Battle, kept his Ground for a while, and then Marched back the Legions into the Camp.

Tempestuous Weather, for many days together, kept both sides from Action: in this time the Britains send Messengers every way, Declaring, what small numbers of the Romans were left; What hope they had of obtaining a perpetual Liberty, and a great Booty, if they could now beat them from their Camp. Hereupon a great number of Horse and Foot were speedily assembled, and made toward the Romans; Cæsar supposing it might so happen as in former times, That the Britains being beaten, would escape his Foot, and save themselves by flight; yet, with about 30 Horse, which Comius of Arras brought over with him, he placed the Legions in Battle-Array before the Camp; not long after both Bodies were engaged, the Britains gave back and fled, the Romans pursuing and killing many, Burning and Wasting every where about as they returned to their Camp. The same day the Britains send Ambassadors, desiring Peace; which they obtained, upon condition the number of Hostages before Imposed, should now be doubled, and sent after him into Gallia; making halt thither, because the Autumnal Equinox was at hand (suspecting his Patcht and Crazie Ships might not well endure the Sea in Winter) wherefore, taking the first opportunity, they Sailed soon after Midnight, and came all safe to the Continent: Cæsar Winter'd in Belgia with all his Legions; whither two only of the British Cities sent Hostages, the rest

(q) Cæsar always employ'd his Soldiers in some Work or other here, in Reaping, otherwise in Mending his Ships; he had all sorts of Artificers and Workmen in his Army, to work themselves, and direct others. (r) Happily for Cæsar, were written xxx, or rather for 300; 30, as Hostoman thinks, by Mistake; feeling 'tis strange to think, Cæsar would joyn Battel with 30 Horse only.

neglected

Cajus Julius
Cæsar, 53, 54
Years before
Christ.

Q.
They suddenly
set upon the
Romans.
Their Manner
of Fight.

The Romans
Overpower'd.
Cæsar comes
opportunely to
their Assistance.

The Britains
Overcome.
r.

They obtain
Peace.

Cæsar had all
sorts of Art-
ificers in his
Army.

Cajus Julius
Cæſar, 25, 54
Years before
Chriſt.

d.
Cæſar cauſeth
the Ships that
remained to be
haled on Shore
into the Camp.

C.
Caſſibelan
General of the
Britains.

A Sharp Fight
between the
Romans and
Britains.
Many of the
Britains ſlain.
The reſt forced
to the Hills and
Woods.

f.
From whence
they ſally out
upon the Ro-
mans.

g.
Guards and
ſentinels,
Laberius ſlain.

all his Ships ſhould be haled on ^d Shore, and brought into the Camp, that they might both be ſecured by the ſame Defence, or *Circumvallation*.

This Stupendious Work was performed in Ten Days, the Soldiers intermitting neither Night nor Day, and having accompliſh'd it, leaving the former Guard, he Marched to the place from whence he had diſlodg'd upon the News from *Atrius*; where he found the Number of the *Britains* increaſed, by the *Confluence* of People from many parts of the Country, who, by Common Conſent, made *Caffibelan* their General, whole Territories were divided from the *Mari-time Cities* by the *Thames*, and were diſtant from the Sea about Eighty ^e Miles; other Cities formerly had with him continual Wars, but now, in the Common Danger, they all made him their Commander in Chief.

The Roman Army being come within view of their *Enemies*, the Horſe and *Charioteers* of the *Britains* encountering their Horſe fought ſharply, yet ſo, as the *Romans* were every where ſuperior to them, and forced them to the Hills and Woods, many of them being ſlain, and ſome of the *Romans* alſo, who, too daringly, purſued them: A while after (the *Romans* being buſie in ^f Intrenching their Camp, and ſuſpecting nothing) they ſuddenly ſallied out of the Woods, and ſetting upon thoſe which were ^g in Station before the Camp, fought ſtoutly, to whole Aid *Cæſar* ſends Two *Cohorts* (the ^h chief of Two *Legions*) who, ſtanding ſtill at a little diſtance, amazed at the newnels of their Fight, Charged boldly through the midſt of them, and came ſafe to the Relief of their diſtreſſed Companions. That day ⁱ *Laberius Durus*, a *Tribune*, was ſlain; but more *Cohorts* being ſent to their aſſiſtance, the *Britains* were driven back.

By the manner of this Battle (which was fought within ſight of the Camp) the *Romans* perceived what advantage the Enemy had of them, and how ill they were fitted for ſuch a kind of fight, when, by reaſon of the weight of their Armor, they could not purſue ſuch as fled, nor dare they leave their *Enſignes*; nor were able, without great danger, to encounter the Horſe, who, oft-times, retreated on purpoſe, and having, by little and little, drilled the *Romans* from their *Legions*, would leap out of their Chariots, and fight on Foot; the Manner of Fighting with their Horſes and Chariots being alike dangerous to them that retired, and them that purſued; Beſides, they fought not in great Bodies, and Cloſe Order, but by Reſerves, one Division being a great diſtance from another, and Succeeding and Relieving one another, the Sound and Freſh Men giving Supplies to the Wounded and Weary.

The next day, the *Britains*, here and there, aſar off, appeared upon the Hills, and with leſs courage then the day before, began to engage the Horſe: But about Noon, when *Cæſar* had ſent Three *Legions*, and all his Horſe, with C. or *Trebonius* his Lieutenant, to Forage; ſuddenly, on all ſides, they aſſail the Forragers, and Charge up

The Britains
aſar in ſea upon
the Romans.

Cæſar's Ship-
Camp, where
Cam. Brit. 241
Cam. Brit. 213.
The Romans
Intrench their
Army every
Night.

(d) Upon the Shore, about *Deſh*, *Sandon*, and *Walmer*, are a long Range of heaps of Earth, or Banks, where the Learned *Camden* thinks this Ship-Camp was, which he ſays, by the People thereabout, was called *Komer-Work*. (e) The Borders of their Territories extended to the *Thames* in *Surrey*, near *Oatlands*, and thereabouts, which are 80 Miles from the Eaſt-Shore of *Kent*, where *Cæſar* Landed. (f) It was the Cuſtom of the *Romans* every Night to Intrench their Camp. (g) The Firſt or Chief *Cohorts* of their *Legions*, as ſome Write, contained 1,000 Men.

to

to the very *Legions* and *Standards*; the *Romans*, by a ſtout onſet, repelled them, and the Horſe never gave over the Purſuit (being confident in the aid of the *Legions* that followed them) until they totally routed them; and having killed a great number of them, they gave them neither time to Rally, to make a Stand, or to leap from their *Chariots*. Forthwith, upon this Overthrow, the *Anſilaries*, which had come from all parts, departed; neither after that time did the Enemy appear with ſo great ſtrength.

A *Cæſar* knowing their Deſign, Marches with his Army towards the Frontiers of ^a *Caffibelan*, upon the River *Thames*, ^b which was paſſable with Foot in one place only, and that with difficulty; when he came thither, he perceived great Forces of the Enemy in good Order, ready to receive him on the other ſide of the River, the Bank being ſet with ^c ſharp Stakes, and others of the ſame kind, covertly placed in the River; whereof *Cæſar* having notice from B Prisoners and Fugitives, ſending his Horſe firſt over, preſently Commands his *Legions* to follow, who waded over ſo ſpeedily, and reſolutely (their heads only appearing above water) and both Horſe and Foot Charged the Enemy with ſuch violence, that they forſook the Bank and fled.

C *Caffibelan* now out of hope to contend for Victory, diſmiſſeth the greateſt part of his Forces, keeping about 4000 Chariots to attend the Motion of the *Romans*, and going ſomewhat out of the way, ſecuring himſelf in Woods, and Faſtneſſes, drives all away, both Men and Cattel, where the *Romans* were to paſs; whole Horſe, as they roved up and down to Waſt and Plunder, the *Charioteers* ſallying out of the Woods, ſurprized and cut off: hereupon, *Cæſar* commands them not to depart from the *Legions*: ſo that now as they Marched; there was nothing left to do, but to Waſt empty Fields, and Burn Houſes.

D Meanwhile the ^d *Trinobantes*, a very conſiderable People among the *Britains*, from whom ^e *Mandubrace*, went to *Cæſar* into *Gallia*, and followed his Fortune; his Father *Imanuentius* having been King in that Country, whom *Caffibelan* had ſlain; and this young Man ſaving his Life by flight, ſend *Ambaſſadors* to *Cæſar*, who promiſing to yield themſelves, and be at his Command, deſire him to Protect *Mandubrace*, and to commit the Government of their Country unto him: *Cæſar* requires Forty Hoſtages, and Proviſion for his Army, and ſends *Mandubrace* unto them, they comply with E his Commands, and ſend what he required.

(b) *Caffiellanus*, *Caffibelanus*, or rather *Caffibellus*; Prince or Ruler of the *Caffis*; ſome remains of whom there ſeems yet to be *Caffis* Hundred, wherein are Situated the Ruins of *Perſent Caffibelan* Chief Town: *Bellus* ſignifying commonly in this Iſland a Chief King, Prince or Ruler. So *Cinobellus*, as it were *ſecond bellus*, Prince of the *ſecond*; and happily might be the ſame that *Cæſar*, *Cham*, *Saltan*, *Tentomarius* and *Gothis*, are, and were among the *Moſcovites*, *Tartars*, *Turks*, *Tentones* and *Goths*; Dr. *Powel* ſays further, That *Reſy*, the Father of *Edd*, and this *Caffibellus*, was called *Magnus Bellus*, that is, Great Bellus. (c) Near *Oatlands* in *Surrey*, ſays *Camden*, at a place called *Cromer-Stakes*; and, in this conjecture, he ſhews he could not be miſtaken, for that it was 80 Miles from the Shore of *Kent*, as *Cæſar* accounted, and for other Reaſons there aſſigned. (d) *Bede* ſays, the Remains of theſe Stakes were to be ſeen in his time, which were about the Bigness of a Mans Thigh, and Placed over with Lead. (e) *Trinobantes*, *Alſidileſe* and *Reſus*. (m) He is by *Enſtoplus*, *Bede*, and later Writers, called *Andragenus*, as is noted by *Camden*, but why he knows not, unleſs for his Wickedneſs and Treason, for ſuch a ſignification is plainly touch'd in that Name; and he was one of the three firſt that called the *Romans* into *Britain*, and betrayed the Country.

Cajus Julius
Cæſar, 53, 54
Years before
Chriſt.

The Britains
Totally Routed,
Very many ſlain.

Cæſar Marches
toward Caffi-
belans Coun-
try.

h.

i.

k.

Caffibelan diſ-
miſſeth the
greateſt part of
his Army.
Keep only
4000 Chariots
to attend
Cæſar's Mo-
tion.

l.

m.

The Trinobantes ſend
Ambaſſadors,
and yield them-
ſelves.

Caffibelan,
who.

Camb. Britan.
275. 291.

Annotations on
Giral.

Camb. Deſe.

of Wales. c. 3.

Camb. Brit.
213.

Bede Eccleſ.
Hiſt. cap. 2. fol.
26.

C

The

Cajus Julius
Caesar, 53, 54
Years before
Christ.
Several other
Nations also
yield to Caesar.

II.
O.
P.
Q.
R.

Cassibel's
Town.

I.
What a Town
was among the
Britains.
Cassibel's
Town taken.

The Roman
Ship-Camp af-
flicted.
The Britains
Besieged.
Lugotorix
taken.

t.
u.

Caesar departs,
taking Hostages,
&c.
Thus far Ca-
esar's Commem-
orates.
Pliny, Nat.
Hist. lib. 9. c.
35.

X.
What this Pearl
was? Q.
Tacitus vita,
Agric. cap. 13.
456. and Lip-
sius Notes up-
on him, Ibid.

Dio. lib. 53.
512.

* Camb. 319.
Iceland, who.
Camb. Brit. 191.
There, 273.
There, 307.
Camb. Brit.
275, 292.
Cassibel's Town.
There, 291.
Camb. Brit. 198.
Dio. Book 43.

The *Trinobantes* being Protected from the violence of the Soldi-
er, the *Cenimagni*, *Segintiaci*, *Alcalites*, *Bibroc*, *Cassi*,
by their *Ambassadors*, yield themselves to *Caesar*: from these he un-
derstood *Cassibel's* Town was not far off, strengthened and fur-
rounded with Woods and Marshes, well filled with Men and Cat-
tel (for the *Britains* call intricate Woods, compassed about with a
Mud-Wall and a Ditch, a Town) whether they were wont to re-
sort, for the avoiding the Incurfions of their Enemies.

Thither Marches *Caesar* with his *Legions*, he found the place no-
tably Fortify'd by Nature and Art, yet he Assaults it in two pla-
ces; The *Britains* for some while defended it, but not able to
sustain the Force of the *Romans*, fled out at another part of the
Town; great store of Cattel were found there; many were taken,
and many were slain in their flight.

While these things are done here, *Cassibel* sends into *Kent*, where
there were Four *Kings* Reigning, *Cingetorix*, *Carvilius*, *Taximagu-
lus*, and *Segeonax*; them he Commands to raise all the Force they
could, and suddenly to assault the Ship-Camp; this was attempt-
ed, but when they came near unto it, the *Romans* sallied out, killed
many of them, and took their Noble Leader, or Captain *Lugoto-
rix*, retreating safely to their Camp.

Cassibel hearing of the Event of this Enterprize, being often de-
feated, and his Country wasted, but most of all moved with the Re-
volt of his *Cities*, useth the Mediation of *Comius* of *Ayras*, to send
Ambassadors about his Submission to *Caesar*, who, determining to
Winter in *Gallia*, by reason of some sudden Commotions there, and
the Summer being almost spent, commands *Hostages*, and appoints
what Tribute yearly *Britain* should pay to the *Roman* People, and
commands *Cassibel* he should offer no wrong to *Mandubrac*, or the
Trinobantes; then taking with him Hostages, and a great number
of Captives, at twice Transports his Army; at his return to *Rome*,
he Offers to *Venus* *Genitrix* a *Suroat*, or *Corset*, Embroyder'd with
British Pearl.

After the Death of *Julius*, by reason of the Civil Wars amongst
the *Romans*, and the Arms of the Chief Men being turned upon the
Common-wealth, *Britain* was for a while neglected and forgotten;
and *Augustus*, for some time, after he had obtained the *Empire*, was
content to be in Amity with the *Britains*, and under the Name of
Tribute, to accept some small Trifles. Yet afterwards he prepared
for an Expedition hither, pretending, that the *Tribute* which *Julius*
had Imposed, was detained.

The *Britains* hearing of it, send their *Ambassadors* with their Sub-
mission, and desire Pardon; to whom, upon a new Pact, he granted
a Conditional Peace: Not long after the *Britains* not having per-

(*) The * *Iceli*, who possessed *Northfolk*, *Southfolk*, *Cambridge*, and *Huntingdon-shires*. (o)
were People in *Hamshire*, and *thenceabouts*. (p) They inhabited
Henley Hundred in *Oxfordshire*. (q) Their Seat was the Hundred of *Brey* about *May-
denhead* in *Berkshire*, which seems to be a Contexture from *Mirab*. (r) They gave name to
the Hundred of *Calsoe* in *Hertfordshire*, in which *Old Verulam* stood; and where, and
in the Country thereabouts, the *Cassi* were placed. (s) *Verulam*, out of whose Ruins
St. Albans was Built. (t) Or *Cingetorix* rather. (u) *Civitas*, or People, for *Caesar* al-
ways called a People, living under, and using one Law, and the same Customs, *Julius*, or
a *City*. (x) His Mother, or *Genitrix*, to whom he Built a Temple, for from *Anchises*
and *Venus* he deduced his Stock and Original.

224, 225. *Caesar's Origin from Anchises and Venus.*

formed

formed their Conditions, and failing in their Payment of *Tribute*,
he designed another attempt upon them; and being set forward
in his Voyage toward *Britain*, was diverted, by the Revolt of the
Camabrians and *Asturias*. There was no farther undertaking
against the *Britains* in all the time of this *Emperor*.

Cunobelin then Govern'd the *Trinobantes*, whose Royal Seat was
A *Camolodunum*: he first began to Reform the Rudeness of the *Brit-
tains*, and to Introduce some Civilities he had observed amongst
the *Romans*, and after their Custom caused his Image to be Stamp-
ed upon his *Coin*; who, as 'tis said, was brought up in the
Court of *Augustus*.

Tiberius succeeded *Augustus*, who following his advice and exam-
ple, attempted nothing upon the *Britains*.

B Some are of Opinion, that the *Gospel*, or *Christian Profession*, was
brought into *Britain* in the last year of this *Emperor*, which was the
35th of our ever Blessed Saviour, and Two years after his *Crucifixi-
on*, grounding their Conjecture upon that noted place of *Gildas*,
where it is said, *Tempore, ut scimus, summo Tiberii Caesaris*, &c.
but seeing this was before the Dispersion of the *Apostles* and *Disci-
ples*, and also at a time when there had been little or no Warlike
Achievements, or other Intercourse between this *Nation*, *Rome*, or
other *Eastern Countries*, since the Birth of *Christ*, or at least his Plant-
ing the *Gospel* in *Palestine*: Therefore this Assertion of *Gildas* may
more probably be referred to the latter time of *Tiberius Claudius*
Caesar, whereof more in that place.

The next to him was *Cajus Caligula*; who, by reason of his Luxe,
and vast Profuseness, imposed upon all sorts of Men, and Things,
new and unheard of Tolls and Customs, and Collected them by his
D *Centurions* and *Tribunes*; having wasted and spent all the Money in
Italy and *Rome*, where by any means it could be had, and his Expences
still urging him, he intended an Expedition into *Gallia*, *Germa-
ny* and *Britain*; That under pretence of War he might spoil and
harrafs those Countries; but speeding ill in *Germany*, he ventur'd
no further then those parts in *Belgia* over against *Norfolk*, from
whence, having only received into his Protection *Admirus*, with a
small number, who being driven out of *Britain* by *King Cunobelin*
E his Father, fled unto him: he sent boasting Letters to *Rome*, as if
the whole *Island* had been deliver'd to him, charging the *Messenger*
that his Letters should be carried in a Chariot to the *Forum*, and
not deliver'd to the *Consuls*, but in a full *Senate*, and in the *Tem-
ple of Mars*: Lastly, having ordered his Army to be drawn up in
Battalia, as if they were presently to give the Onset, he forthwith

(y) *Malden* in *Essex*. (z) The Payments of the *Britains* were usually made in Pieces of
Bread, and *Iron Rings*; and 'tis very probable, this *Coin* Stamped by *Cunobelin*, was for
Tribute only, which the *Romans* exacted in *Gold* and *Silver*, as may appear by the word
Tax, on the other side, which signifies *Tribute*, or as we at this day call it *Tax*, or *Taxe*.
(a) It was the Custom of the *Romans* to instruct their Hostages, and the Sons of *Princes*,
in *Liberal Arts*, &c. That they might afterwards be useful to them in the Administra-
tion of their Provinces, &c. (b) *Matthew* of *Westminster*, and others, call this *Admirus*, the
Elder Son of *Cunobelin*, *Gutiderus*, and his Second Son *Arviragus*; but the *Latins* and
Greeks retain that Name, and call the Second *Togodimnus*; the Third *Cataceus*, or *Car-
acur*. (c) *Augustus* ordained, that the *Senate* should consult of War and Triumphs in
the *Temple of Mars*.

Alford Brit. Ann. 6. Suet. in Augusto. c. 23. 196.

C 2

Commands

Obavius Caesar,
Augustus,
Cunobelin,
Tiberius *Nero*
Caesar.

Ibidem; 513.

lib. lib. 66. 67. 9.
Cunobelin en-
deavors to Re-
form the Rude-
ness of the *Brit-
tains*.

y:
z:
a.

Camb. Brit. 62.
Money 2.
Tacit. as be-
fore, and Lip-
sius Notes.

Christianity
not in *Britain*
in *Tiberius* *Nero*
in his time.

Cajus Caligula.

Sueton. Calig.
c. 40. 475.
His Luxe and
Impositions.
Dio. Book 59.
666.

The cause of
his Expedition
into *Gallia* and
Britain.

Sueton. Cal.
c. 44. 479.
His boasting
Letters to the
Senate.

Ibid. c. 46. 482.

Cam. Brit. 122.
Caesar's Com. B.
c. 215.

The *Romans*
Exact *Tribute*
in gold. Cam. 70.
The *Romans*
Instruct their
Hostages.

Tacit. de vita
Agric. c. 11. 459.

Tiberius, Claudius, Drusus, 43 Years before Christ.

He attempts nothing upon Britain, but Commands his Army to gather Cockles.

Suetonius l. i. c. 17. § 6. d. e. Dio. B. G. f. 677. Aulus Plautius sent into Britain.

There 678. f. g.

Arx Britannica, where. Suetonius 482. Schull. Notes. Suetonius Callig. 379. c. 44. Cim. Brit. 149. There 375.

Commands them to gather *Cockle-shells* in their Helmets, calling them Spoils of the Ocean, fit to be preserved in the *Palace* and *Capitol*. As a Mark of this Ridiculous Exploit, which he termed a Victory, he erected a very high ^d Tower, by the Lights whereof in the Night, Ships might be directed in their Courses.

Claudius, with better Advice and Success than his Predecessor, chose *Britain* (not Attempted by any since *Julius Caesar*) for his Province, from whence he might acquire the Honor of a Noble and Just Triumph; It being then in *Mucius*, and Tumultuating; because the ^e Fugitives which were demanded, were not rendered; whereof one *Berinus*, and some others, much prevailed with *Claudius* to undertake this Expedition, who sent *Aulus Plautius* a Roman Senator, and an Experienced Soldier, to take Charge of the Army in *Gallia*, and Transport it into the Island: to which Action, the Soldiers openly discover'd their unwillingness, complaining, they should now make War out of the World; until *Narcissus*, a Favorite of *Claudius*, being sent to appease them, Mounted *Plautius* his Tribunal, and somewhat yielding to their fury and passion, he so Cajoled them with an Eloquent Oration, that they were then willing to follow *Plautius* whithersoever he would Conduct them.

The Army was Imbarqu'd in Three Divisions, that being opposed in one place, they might Land in another; the Winds proved cross, with which their Ships were shaken and driven back, but the Soldiers not discouraged, they seeing a *Meteor*, which darted Flames from the East to the West, interpreted it, as an Omen of good success, and thinking it directed their Course, put again to Sea, and Landed without resistance. The *Britains* not suspecting their coming; who, finding themselves surprized, fled to the Woods and Morasses, thinking rather to weary their Enemies by Delays, than to Encounter them in the Field.

Plautius, after a great search, and much hazard, found them out, and overthrew them: The ^f *Boduni*, then subject to the ^g *Cattuelani*, he received upon Terms, and leaving *Garrisons* there, he Marched toward a River which the *Britains* supposed they could not pass without a Bridge, and therefore thought themselves secure, having Incamped on the other side of the Waters; But *Plautius* sending first the *Germans*, who being accustomed to Swim over Rivers Armed, got over to the further Bank, and there, according to Command, fell upon the *Horfes* which drew the Chariots, by that means putting their whole Force into Disorder. To their Assistance came *Flavius Vespasianus*, who Commanded the Second Legion, and *Sabinus* his Brother, who setting suddenly upon them, killed some, and took others, when the Night put a period to this Engagement.

The next Morning, the *Britains* having Rallyed their Dispersed Forces, appeared again, and gave the occasion of a Fresh Battle, which they performed with such Courage, that it continued a

(d) This is thought to be *Arx Britannica*, the Ruins whereof are to be seen near the Middle Mouth of the River *Rhene*, now Landed up, about a League from *Leiden* in Holland. (e) *Adrianus*, the Eldest Son of *Cunobelin*, and others, who being Expelled Britain, and Proscribed by his Father, were received into Protection by *Caligula*, then in *Belgia*. (f) People of *Glocester* and *Oxfordshires*. (g) So called by *Dio*, by others, *Cantienclani*; they were the Inhabitants of *Buckingham*, *Bedford*, and *Hartfordshires*.

long

long while doubtful, until *C. Sydinus Gela*, being in danger to have been taken, recover'd himself, and forced the *Britains* to retire, for which Service he had Triumphal Honors Assign'd him at *Rome*: In this Conflict, *Vespasian* being incompass'd with the *Britains*, was in great danger, either to have been slain, or taken, had not his Son *Titus* opportunely Rescued him, who was a Tribune, and began early to manifest his Valor.

After this the *Britains* retired toward the Mouth of the *Thames*, and knowing the Shallows, and Firm Ground, pass'd over safely; when as the *Romans* that pursued them were oft-times in great danger: Some of the *Germans*, who, by their art in Swimming, were foremost, as soon as they came on shore, were killed by the *Britains*, and the rest of the Roman Army much distressed in their passage, and sharply assailed at their Landing. Where, in a notable Battle, *Togodumnus* was slain, at whose Death the *Britains* were more enraged; and, for the better executing of their desire of Revenge, they Raised new Forces in divers parts of the Isle.

Plautius fearing their Strength, proceeded no further; but Fortifying only such places as he had gained, advertised *Claudius*, as he was ordered, of the doubtful condition of his Affairs. *Vespasian* being employed under *Plautius*, sometimes with him, and sometimes in other parts of *Britain*, Fought Thirty times with the *Britains*, overcame Two Powerful Nations, and Conquer'd the Isle of *Wight*.

Upon the News *Claudius* received from *Plautius*, he, with a Mighty Army of Horse, Foot, and Elephants, Embarqu'd at ^h *Qstia*, and sailed to ⁱ *Messina*, from whence he Marched by Land to ^k *Gessoriacum* in *Gallia*; where, Shipping his Forces, he safely Landed in *Britain*, and, at *Portchester*, if we may believe *Matthew of Westminster*: This Army being joyned with the other of *Plautius* and *Vespasian*, near the *Thames*, they again cross'd the River; where the *Britains* boldly encounter them, and begin the Fight; and, for a long time notably maintain'd it, until a great number of them were slain; when, being overcome, they fled into the Woods, some were subdued by Force, others yielded upon Terms; and pursuing this Victory, they took *Camolodunum*, where they placed a Colony of old Soldiers, and reduced this part of the Isle into the form of a Province.

In Honor of this Victory, *Claudius* was divers times saluted Imperator, contrary to the Roman Custom, which permitted it but once for one Expedition: The *Britains* after this were Disarm'd, but he remitted to them the Consecration of their Goods; for which Favor, they erected a Temple and Altar unto him, honoring him as a god: he leaving *Plautius* to Govern these, and Subdue others, returns to *Rome*, having sent before his Sons-in-Law, *Pompeius* and *Silvanus* to the Senate, with the News of the Victory; who Decreed, he should be called *Britannicus*, and that his Son should have the same Title, as a Surname, proper and Hereditary to the *Claudian* Family. *Messalina* his Wife had the first place in Council assign'd

(b) A City at the Mouths of the River *Tiber* in Italy, on which *Rome* is seated. (i) *Messina*, a Port in *Gallia Narbonensis*, according to the Division of *Gallia* by *Augustus*, or in *Provincia Romanorum*, according to *Julius Caesar*, now *Provence* in France, having the Gulf of *Lions*, and the Mediterranean on the South. (k) By some thought to be the same with *Portus Itius*, but it is more probably *Boulogne*, and the Country about it; was called *Gessoriacum Pagus*, *Dononensis ager*, commonly le *Boulonnais*.

her,

Togodumnus, Tiberius Claudius, 44 Years before Christ.

Vespasian in danger, rescued by his Son.

Togodumnus slain.

Suetonius Vesp. 734. c. 4.

h. i. k. Dio. lib. 60. 679. Anno Domini 44.

The Britains Vanquish'd. Dio. 679.

Camolodunum taken. That Country made a Province. Dio. 680. lib. 60.

Gessoriacum, Boulogne in France.

Tiber. Claudius, Gr. Emperor.
Caractacus King
44. 45. 46. 47.
Gr. Years after
Christ.

her (as *Livia*, the Wife of *Augustus*, sometime had) and was also Licensed to Ride in a Chariot when he came to *Rome* (which was the Sixth Month after his departure thence, having continued but Sixteen days only in the *Isle*) he entered the *City* in a most splendid and extraordinary Triumph, whereat many *Presidents* of *Provinces*, and Banished Men were permitted to be present; on the top of his Palace was placed a Naval Crown, set with Steins, and Foreparts of *Ships*, as a sign of the *Conquest* of the Ocean; Diverse Commanders, that had served under him in *Britain*, were Honor'd with Triumphal Ornaments; yearly Plays were appointed for him, and Two Triumphal Arches, adorned with *Trophies*, were erected, one at *Rome*, the other at *Gessoriacum*, to remain to succeeding Ages, as perpetual Monuments of this Victory.

This Memorable Triumph happened about the 46th Year of our *Saviour Christ*, as some considerable Authors do Compute the time.

Not long afterward *Plantius* was Recalled, and *P. Ostorius Scapula* sent in his stead; who, at his Landing, found all things unquiet; the *Britains* that were yet Unconquer'd, Harassing the Countreys of those that had yielded, and were become Subject to the *Romans*; supposing, that the new *Lieutenant*, unacquainted with his Army, and that Winter being then begun, he would not March forth to oppose them; but he knowing, that first Events either beget Fear or Confidence, with his most ready *Cohorts* made towards them, killing such as resisted, and pursuing the Stragglers, lest they should Embolden again; And that an unsafe and Faithless Peace, might not give, either the *Lieutenant* or Soldiers, a time of Idle Repose, he Disarmed those he suspected; and, to secure them, encompassed them with *Garrisons* placed on the Rivers *Antona* and *Sabrina*: The first that refused this Yoke, were the *Icenii*, a stout People, and unshaken with Wars; who, on their own accord, in former times, fought Alliance with the *Romans*.

The Counties near adjoining following their Example, take up Arms, choosing, for their Security, a place compassed with a rude Trench, and a narrow passage, that might hinder the Entrance of Horse. The *Lieutenant*, although he wanted the strength of his *Legions*, yet he attempted that Fence with the Auxiliaries only; and having placed them in due order, and giving the Sign, they assail the *Rampart*, and break it, disordering the *Britains*; who, seeing their way of escape hindered on all sides, shewed great courage, and behaved themselves bravely.

By this Slaughter of the *Icenians*, others fluctuating between Peace and War, were settled and quieted, and the Army was led against the *Cangi*, whose Country was wasted as far as the Coast toward the *Irish* Sea, the Inhabitants not daring to come into the Field.

At this time the *P Brigantines* began to Tumultuate, which brought back the *General*, who thought it best, not to enter upon

Plantius Recalled: P. Ostorius sent in his stead.
Tacit. Ann. lib. 12. cap. 31. f. 195.

The Icenii and other People beaten.

The Brigantes subdued.

Cam. Brit. 376

There 369, 379.
There 329.
Cam. Brit. 168.
There 556.

(1) *Antona*, now *Nen*, or *Nine*, whose two Fountains arise not far from *Daventre* in *Northamptonshire*; where, and at *Gildborough*, are yet to be seen two large Military Roman Forts; as also *Bannucina*, now *Waden*, on the Street, and *Durobriva*, now *Cassor* in this Shire, and *Chesterion* in *Huntingtonshire*, were both Roman Stations, and seated upon this River. (m) The River *Severn*. (n) People that inhabited *Northfolk*, *Suffolk*, *Cambridge* and *Huntingtonshire*. (o) People that inhabited some part of *Somersetshire* about *Mendip-Hills*, and near the Sea which looks toward *Ireland*. (p) *Torkshire*, *Lancashire*, *Bishoprick* of *Durham*, *Westmerland* and *Cumberland*.

any

any new Action, until he had secured those parts, where, having killed such as took Arms, and Pardon'd others, all things were presently settled.

But the *Silures* were neither by Cruelty, or Clemency, to be reduced, without a War, and *Garrisons*; To that end the *Colony* at *Cannadunum* was strengthened with a strong Power of old Soldiers, as well for a Defence against Insurrections, as to instruct their *Allies* in the Roman Laws and Civility: *Cogidunus* also, a *British Prince*, and sure Friend and Confederate of the *Romans*, had certain Cities given him, according to an antient Custom among them, who used even *Kings* themselves as Instruments of Bondage, and enslaving others.

The *Silures*, valiant of themselves, yet confided much in the Courage of *Caractacus*, who, by many doubtful, many prosperous events, had obtained a Reputation above all the *British Princes*. But as in Policy, and Knowledge of the Country, he had the advantage of the *Romans*, so perceiving himself inferior in strength, he transferred the War unto the *Ordovices*, who joyning in the Action with him (as alike fearing the Roman Peace or Servitude) resolved to try the Fortune of War; having chosen a place for Battle very commodious for themselves, but disadvantageous to the *Romans*; the Hills steep and craggy, and whereforever there was an easie Avenue, it was fortify'd with Stones in manner of a *Rampart*; a River also of unsafe passage, and guarded with the best Soldiers, was to be Forded. The Commanders went about encouraging the Soldiers, and *Caractacus* himself nimbly speeding up and down, hither and thither, Protested, That Day, and that Battle, should be the beginning of Recovery of Liberty, or of Perpetual Servitude, and more to that purpose; which so heigned the spirits of the People about him, that they Shouted, and Swore, every one, according to the Religion of his Country, That neither the Enemies Weapons, nor their own Wounds should make them give back: Their Chearful Shouts astonish'd the Roman General, as likewise the River, *Rampiers*, high Hills, and all things on every side threatening danger and destruction to the Assailers, affrighted him: But the Soldiers urging to Battle, crying out, There was nothing which Valer could not overcome; the *Prefects* and *Tribunes*, using the same Arguments and Speeches, added courage to the whole Army. Then *Ostorius* circumspectly viewing those places which were inaccessible, and those which were passable, led on his Soldiers, and without difficulty Forded the River.

Then approaching the *Rampart*, while they fought with Darts the *Romans* were worsted; but they having, by the help of a *Tefudo*, broken down their rudely compacted heaps of Stones, both Armies coming to a close Fight, the *Britains* fled to the tops of the

(q) Hereford: Radnor, Brecknock, Monmouth, and Glamorgan-shires. (r) Montgomery, Merioneth, Caernarvon, Denbigh, and Flint-shires. (s) In the Place in *Shropshire*, where the Rivers *Tem* and *Clun* meet, in the edge of it, toward *Herefordshire*, is a Hill called *Caer Caractacus*, so named from *Caractacus*, where yet are to be seen the Relicks of these Stone Rampiers, and where was fought this Memorable Battle. (t) 'Tis probable this was a *Tefudo* made of Boards and Raw Hides, &c. under the covert of which the *Romans* usually Assailed Walls, &c.

Tiberius Claudius, Emperor, Caractacus 46, 47. Years after Christ.

Tacit. de vita Agric. c. 14. 477.

There 466.
There 521.
There 446.

Mountains,

Tiberius Claudius, Emperor, Caracalla, An. Dom. 193, 194, &c.

X.

Caracallus his Wife and Daughter taken, &c. He is Betray'd by Cartilincus.

Mountains, and were pursued both by the "Light and Heavy Armed Soldiers; who, being assailed with Darts, only proceeded in close order, and brake the Ranks of the *Britains*, which had neither Helmet nor Armor to defend themselves; and being hedged in between the *Legionary* Soldiers and * *Auxiliaries*, were most of them slain.

This was a Famous Victory, wherein *Caracallus* his Wife and Daughter were taken, his Brothers yielding themselves, but he escaping to *Cartismandua* Queen of the *Brigantes*, against her Faith and Obligation to him, was deliver'd bound to the *Romans*, having maintain'd War with them 9 Years, as *Tacitus*; but as *Dio* more clearly relates it, only Seven: his Fame was spread through the *Isle* and *Provinces* adjoining, and his Name Celebrated in *Italy*; many desiring to see who he was, that had withstood, and contemned the *Roman* Power so many years; They spake not Ignobly of him at *Rome*; and *Caesar*, by extolling his own Victory, added Glory to him he had Conquer'd: being brought thither, the People were Convented, as to some famous Spectacle; the *Emperors* Guards were orderly placed in Arms; then came first the *King's* Servants, with the *Trophies* won in other Wars; next, his Brothers, Wife, and Daughter; last of all himself.

The Carriage of others was low and pitiful, he only behaving himself like a brave *Prince* and bold *Britain*, both in Words and Gesture; That, by his Speech, and Constancy of Mind, he so prevail'd upon *Caesar*, as to Pardon and Release him, his Wife, Daughter, and Brethren; they all unbound, applaud and thank him; as also his Wife *Agrippina*, who sat by in a Chair of State, a new and unaccustomable thing, for a Woman to preside among the *Roman Cohorts* and *Ensigns*.

To *Ostorius* a Triumph is Decreed; the Senate esteeming this act of his equal with theirs, that had shewn in Bonds to the *Roman* People the greatest and most renowned *Kings*; after this, his Success proved ambiguous, or began to decline, whether because that *Caracallus*, the object of his Valor, being removed, he supposed he had made a Compleat Conquest, and therefore prosecuted the War the more carelessly; or else, that the residue of the *Britains*, commiserating the Misfortune of so great a *Prince*, did meditate Revenge, and fell upon the *Legionary Cohorts*, left behind, to establish *Garrisons* amongst the *Silures*, killing the *Prefect* and Eight *Centurions*, besides many of the stoutest Soldiers; and, had not speedy Relief come from the adjoining Forts and Castles, they had put all the rest to the Sword: nor was it long after, that they beat and routed the *Roman* Forragers, and the Troops sent to their Assistance, *Ostorius* sending fresh Recruits, could not stay their flight, until the *Legions* came in, by whose power the Battle was made equal, and afterwards inclined to the *Romans*; the *Britains* escaped with little loss, because the day was spent.

(*) The Light-Armed, or *Peltes*, were such as Skirmished, or Fought first in an Army; their Weapons and Armor, were, a Sword, a small Spear, a little round Target made of Wood and Skin, and a Cap made of Wool, of some Beasts Skin. The Heavy-Armed, or the *Principes Triarii*, or Body of the Army, &c. their Weapons and Armor were, a heavy Shield, a Sword, a heavy Wooden Dart Armed with Iron; Cubits long, a Brass or Iron Helmet, a Coat of Mail, or a great Iron Breast-plate, and a pair of Iron Boots. (x) The *Legions* were taken out of the Body of the *Romans*, the *Auxiliaries* were such Forces as the Neighbour and Confederate Countries sent unto them,

The

The chief Motive that induced the *Silures* to Arm, was a report, that the *Emperor* should say, He would root out the very Name of them; they therefore intercept Two Auxiliary *Cohorts*, by the Assistance of their Commanders, securely plundering, and liberally distributing the spoils and captives amongst them, drew others to Revolt; troubled at these things, *Ostorius* dies, the *Britains* rejoicing, although no Battle had taken him off, yet a cross War had worn out so great a Soldier.

Caesar being advertis'd of his Death, sends *Aulus Didius* in his place, who, notwithstanding the haste he made, found things in great disorder; *Manlius Valens* having, with his *Legion*, encountered the *Britains* with ill success; the *Silures* made Inroads into the subdued Country, until they were repelled by *Didius*.

After *Caracallus* was taken, *Venusius*, next to him in Military knowledge, a *Prince* faithful to the *Romans*, and protected by them, so long as his Queen *Cartismandua* continued Loyal to him, she being Queen of the *Brigantes*, and much in the *Romans* favor, for betraying, and delivering up *Caracallus*, rejected her Husband; Marrying *Vellacatus* his Esquire, and making him *King*; The War at first seemed private amongst themselves, until she had, by craft, taken *Venusius* his Brother, and some other of his Relations; who, by the help of his Neighbors, and the defection of the *Brigantes*, abhorring so base an act, soon reduced her to great extremity; she, begging Aid of the *Romans*, who, after a sharp and doubtful Conflict, in the end obtain'd the Victory, rescued the Queen from danger, took the *Kingdom* from the *King*, and brought a War upon themselves. The like success *Cassius Nasica* had with his *Legion*: for *Didius* himself growing old, and sifter to Direct then Execute, used the Ministry of other Men, designing to keep what his Predecessors had gotten, built only some Castles and places of strength within the Land. This was the state of Affairs in *Britain* when *Claudius* died, leaving *Nero Claudius Caesar*, his Adopted Son, to succeed him.

'Tis probable the *Christian Religion* was brought from *Rome* into *Britain* in *Claudius* his time, either by such as returned with the *Romans*, that were Banished with *Adminius* by his Father, or by such as might return again after his first or second Triumph, whether Slaves or Hostages, for no doubt but he had of both these sorts of People; Captives from such as he Conquer'd, and Hostages from such as yielded, both which served to adorn them, and were exposed to publick view, for the greater Celebrity of these Triumphs; so that whereas *Gildas* says, The entrance of *Christianity* was, *Summo Tiberii Casari*, it must be understood of this *Tiberius Claudius Caesar*; for from the time that *Julius Caesar* left this *Island*, it was attempted by none until *Claudius*; neither is *Gildas* his Relation certain, but conjectural only, and is to be expounded according to the sense of *Eusebius*, from whom he had it, as appears by his mention of the *Edict of Tiberius*, which I find no where else, unless related from him, and is to be understood of the first and general propagation of Religion through the World, which *Eusebius* there recounts, and by conjecture only, or (as it seemed to him) probable consequence, in *Britain* also: But by whom the Gospel was brought hither, is uncertain, and whether by *Jacobus Zebedaeus*, *Simon Zelotes*, *Simon Peter*, *St. Paul*, or any of them, it is not sufficiently made appear by

Tiberius Claudius, &c. Nero Claudius Caesar. Anno Dom. 56, &c.

And why Ostorius Dies.

Aulus Didius made Lieutenant.

Tacit. Hist. lib. 3. cap. 45. 380.

Tacit. lib. 13. Anno 198.

Didius Superannuated.

Christianity first in Britain. Suet. Claud. c. 17. 516.

Euseb. Eccles. Hist. lib. 2. c. 2. 3.

Antiq. Brit. c. 1.

D

Archbishop

Nero Claudius
Cesar. Anno
Dom. 58, 60,
61.

De Praef. l.
Ang. c. 1.
De Primord.
Eccle. l. 1. &c.
De Exord.
Chistian Re-
ligion, in his
Counsels.
Baron. Tom. 1.
117.

Paulinus, de
Tribus Conv.
Book 1.
Alford Ann.
Eccle. Brit.
fol. 11. and so
forward.
Polydor. Virg.
Histor. Angl.
lib. 2. fol. 19.
Tacit. de vit.
Agric. c. 11.
117.

Y.
Suetonius
Paulinus.
Tacit. lib. an.
1. cap. 30.
150.
There 250, 251
Z.

The cruel Su-
perstition of the
Britains in the
Isle of Angle-
sey.

There, Ch. 31.
251.

a.

Dio. lib. 62.
701.

Archbishop Parker, Bishop Godwin, Archbishop of Armagh, Sir Henry Spelman, or any of the Anglican Church; nor proved by Cardinal Baronius, Father Parsons, Father Alford, or any of the Romish Persuasion; or whether it arrived here by any of the Apostles, or by any from them, by Special Mission, or Designation, or by accident, as Polydor queries in the Story of Joseph of Arimathea, it cannot be made cut; It is most probable, and rational to assert, that it came into Britain, by Commerce with the Romans, as by that the Manners of the Britains were Cultivated, and their Barbarity Civiliz'd, by some Converted Captives, Hostages, or Fugitives, or with the Business and Traffique here, of some other Christians of less note; and whether it were from Rome, or any other place, the matter is not much.

Veranus succeeded Didius in the Lieutenantcy of Britain, and died within a year; after him the Government was assigned to Suetonius Paulinus, one of the most famous Military Men of his age, who established what was gotten, and proceeded to Conquer further, until he came to the Island of Mona, which was well Peopled, and a Reception of Fugitives: he makes flat-bottom'd Vessels, in which he passed his Foot over the Shallows and Sands, and his Horse following, either forded the Shallows, or Swam.

Upon the Shore stood divers Bodies of Armed Men, the Women in dismal Habit, like Furies, ran up and down with their Hair about their Ears, and Fire-brands and burning Torches in their hands; the Druids lifting up their hands to Heaven, filled the Air with hideous Cries and Curses. The Roman Soldiers were astonished at the Novelty of the Spectacle, and, like Men Enchanted, as if all their Limbs were rigid and benum'd, stood still while they were wounded, until the General spake, and encouraged them not to fear a heard of silly Women, or a Fanatick Multitude; when they fell on, knockt them down, and threw them into their own Fires: after this they placed Garrisons in their Towns, and cut down their Woods and Groves consecrated to cruel Superstitions, for they Sacrificed the Blood of Captives upon their Altars, and Prædicted their Success, by the Inspection of the Entrails of Men.

While Suetonius was busied here, he had News of a sudden Revolt of the Province; Prasutagus, King of the Icenians, famous a long time for his Wealth and Opulency, made Caesar Coheir with his two Daughters, thinking thereby to preserve his Kingdom, and Family from injury; but it hapned otherwise, his Kingdom was seized on, and harassed by Centurions, his House became a Prey to their Servants and under-Officers, his Wife Boadicia was Whipped, his Daughters Ravished, the Chief of the Icenians, as if the Romans had received the whole Country by Gift, were deprived of their Goods, and dispossessed of their Estates, and his Kindred made Slaves; Seneca, one of Nero's Counsellors, having forced many of the Chief of the Britains to take great Sums of Money of him upon Usury, did then, for his private gain, exact the Payment of it, on a sudden, to their utter ruin; and Decianus Catus the Procurator in Britain, renewed the Confiscation of their Goods, which Claudius

(y) The Isle of Anglesey in Wales. (z) Their Priests, of whom afterwards. (a) Boadicia, vodica Boadicea, according to some, or as Dio, Boudicca.

had

had remitted. The Colony at Camalodunum thrust the Owners and Antient Inhabitants out of their Houses and Possessions, calling them Vassals and Slaves; the Temple also erected to Claudius was a great burthen to them, while the Priests that attended there, under pretence of Religious Dues, seized each Mans Goods.

To these common Grievances of the afflicted People, the present opportunity seemed to offer means of redress, while the Roman General was in Mona: The Icen being made a Province, inciting the Trinobantes, and other Nations (not wholly brought under subjection) to do the like, take Arms, and resolved to free themselves. About this time divers Prodigies were observed to portend the Subversion of the Roman Colony, to wit, the Image of Victory falling down Revers'd at Camalodunum, Strange Noises heard in the Air, Strange Apparitions seen in the Sea, the Ocean, in shew, Bloody, and the Print of Mens Bodies upon the Sands, and certain Women, in Extasie, foretold the Destruction to come: These things, as they terrify'd the Britains, so they added courage to the Britains: and because Suetonius was far absent, the Colony required help of Decianus the Procurator, but he sent them no more than 200, and those ill Armed: The Soldiers, trusting to the Protection of their Temple, and not mistrusting the Conspiracy of some amongst them, that favored the Britains, neither Fortify'd themselves, nor sent out of the Colony the Old Men and Women, and such as were not able to bear Arms; the Old Soldiers flee to the Temple, which was Besieg'd, and in two days forc'd: Petilius Cerealis, Lieutenant of the Ninth Legion, coming to their Relief, was met upon the way, his Legion routed, all his Foot slain, he escaping; with the Horse, into the Roman Camp; Catus, whose Rapine and Extortion had partly caused this Insurrection, fled into Gallia: But Suetonius, with wonderful presence of Mind, Marcht through his Enemies Countries to London (a place not known at that time by the Name of a Colony, but famous only for concourse of Merchants and Traffique) being doubtful whether he should make that the Seat of War, he viewed his Soldiers, and considering the small number of them, and the rashness of Petilius, resolves, with the loss of one Town, to save the rest; nor was he moved with the Prayers or Tears of any that desired him to stay, but giving the Signal of Departure, took with him such as were able and willing to go; such as through weakness of Age, or Sex, or for love of the place, stay'd behind, were oppressed, and perished by the Enemy.

Vernlamium, a Roman Free-Town, had the same fate, for the Britains passing by the Ports and Garrisons, assailed the Richest Places, and most easie to be won, lading themselves with the Spoils of their Enemies, whom they Hanged, Burned, and Crucified, using all the cruelty, and inhumane outrage, that a Giddy-Rabble, elated with success, could think of; they took no Prisoners, either to preserve them for Ransom, or Exchange, according to the Laws of War, but cut in pieces both Romans and their Allies, to the number of 70 Thousand, or as Dio, 80 Thousand. They hang'd up naked the Noblest and Honestest of their Matrons, cutting off their Breasts, and sowing them to their Mouths, that they might seem to

(a) The Ruines whereof are in, and near St. Albans in Hertfordshire.

D 2

eat

Nero Claudius
Cesar, Anno
Dom. 58, 60,
61.

The Icen and
Trinobantes
Revolts.
There 701, and

Tacit. ann. lib.
14. c. 32. 251.
Prodigies.

There c. 33.
252.

a.

There, c. 33.
252.

80000 Romans
slain.
Dio, lib. 62.
700.
There, lib. 62.
701.

Nero Claudius
Cesar, Anno
D. m. 63, 63,
&c.

Tacit. 14. Ann.
nat. 6. 34. 25.

Boadicea Com-
mands the Bri-
tains.

Dio. lib. 2.
704.

Dio. lib. 62.
703.

Tacit. 14. Ann.
6. 37. 253.

The Britains
Overthrown.

80000 Slain.
Tb. r.

Dio. lib. 62.
706.

Tacit. 14. Ann.
6. 37. 253.

Julius Cæsar
Anno
D. m. 63, 63,
&c.

eat their own flesh; these things they did, while they Sacrificed and Carouzed in the Temple of *Andate* their Goddess of Victory. *Suetonius* with the Fourteenth Legion, the Standard-bearers of the Twentieth, and some *Auxiliaries*, about Ten Thousand, resolv'd to encounter the *Britains*, and without delay prepared for Battle, having chosen a place with a narrow entrance, and a thick Wood for defence behind him, and before him a wide Plain; the *Legionaries* were drawn up in close order, being encompassed with the Light-armed, who always Fought first, and moved as occasion offered it self, the Wings consisted of Horse: in the mean time the *Britains* ranged abroad in great Companies and *Brigades*, triumphing, and supposing now no Force able to resist them, so that they brought their Wives, and placed them in Wagons about the utmost parts of the Plain, to behold the Slaughter of the *Romans*, and to be Witnesses of their expected Victory; *Boadicea* Commanding in Chief, mounts a Chariot, with her two Daughters, and couring about (or standing upon a heap of Turfes, as *Dio* Reports) uses many Arguments to bespeak the Courage of her Army, or rather Rude, Insolent, Undisciplin'd Multitude, consisting of 230 Thousand; at last, perswading them to pursue their Enemies, as Dogs, and Wolves do fearful Hares and Foxes, she let out of her Lap a live Hare, at whose running through them, the *Britains* Shouted, apprehending it Ominous, and foreboding the *Romans* Flight; *Suetonius*, though he perceived not his Soldiers to be terrified with the great Numbers of their Enemies, yet exhorts them to fall on boldly, and keeping close together, to continue the Fight, which could not be long, after they had broken their Front, the rest being but an irregular unweildly Multitude: The *Legions* kept the Streight as a place of Defence, while the *Britains* had spent their Darts, and then Marched into the Plain, where the *Auxiliaries* and the Horsemen making way, they, as an irresistible Wedge, broke and dissipated whatever opposed them; the rest fled, but could not easily escape, by reason of their own Wagons, which were placed about the Plain; they spared none, and the dead Bodies of Men and Women, were mixed on heaps together with the Carcasses of Horses. The number of the *Britains*, said to be slain, was 80 Thousand; of the *Romans* 400, and about as many wounded; *Boadicea* Poysoned her self, according to *Tacitus*, but *Dio* says she died of Sickness, when the *Britains* had prepared for another Battle. *Suetonius* drawing together his Army kept the Field, with design to finish the War, and *Cæsar* out of *Germany* augments it with 2000 *Legionaries*, 8 Cohorts of *Auxiliaries*, and 1000 Horse, who being disposed into their Winter Quarters, from thence they wasted with Fire and Sword all such Countreys as opposed them, or were wavering in their obedience.

But Famine was the greatest Enemy to the *Britains*, who neglected to till their Lands, making account to supply themselves with the Spoils and Provisions of their Enemies: Nevertheless, the hardest and stoutest People and Nations, were not inclinable to Peace (although somewhat courted to it) by reason of *Suetonius* his too much severity to those that yielded; they also deferred their Submission, for that *Julius Cæsarianus*, who succeeded *Catus* in the Procuratorship, being an Enemy to *Suetonius*, reported, That a new Lieutenant was coming, who, without the Rigor and Pride of a Conqueror, would kindly receive into Favor such as yielded; he like-

wife

wife Wrote to *Rome*, That there was no end of the War to be expected, while *Suetonius* continued in the Government: That his bad success was to be referred to his ill Management of Affairs, and his good, to the Fortune of the Commonwealth.

To compose this Difference between the Lieutenant and Procurator, and reconcile them, *Nero* sent *Polyeetus*, a *Libert*, or one he had Manumitted from Servitude, with some hopes that he might quiet, and appease the Minds of the Tumultuating, and Exasperated *Britains*; he appeared in *Britain* in the same state and Equipage he had done in *Italy* and *France*, and was received by the Soldiers with Fear and Reverence: but it seemed a Ridiculous thing to the *Britains*; that so great a General, and such a Victorious Army, should give an account of their actions to a Slave: These things, however they were in themselves, yet to the Emperor they were so repented, that *Suetonius*, after the loss of some of his Shipping upon the Shore, was commanded (the War not being finish'd) to deliver up his Army to *Petronius Turpilianus*, he neither being troublesome to the Enemy, nor molested by them, speciously imposed upon his own sloth and easiness, the most acceptable name of Peace, the more easily remitted them, and having attempted nothing of the moment, deliver'd up the Province to *Trebellius Maximus*, who was yet more slothful, and Ruled by the Mildness of his Temper, and not by any sufficiency, or experience in War; he was contemned and hated of the Army for his Avarice and Sordidness; and their dissatisfaction was fomented by *Roscus Calius*, Commander of the Twentieth Legion, who objected to *Trebellius*, the Defrauding and Impoverishing of the *Legions*; and he again to *Calius*, Sedition and Want of Discipline: *Trebellius* fled from the Rage of the Army, yet returning again to his Command, Ruled precariously, and by Capitulation with the Soldiers.

In the 63^d Year of our Saviour, and in *Nero's* time, 'tis Storyed, That *Joseph of Arithamea*, with I know not who besides, came into *Britain*, for the Propagation of *Christian Religion*, and settled themselves at *Glastonbury*, &c. as it is declared at large in the famous Narrative of his coming hither: but I confess I cannot see any reason there is that this Story should be reputed Authentick, for it is first related by *William of Malmesbury*, who Lived and Wrote in the Year 1130, or thereabouts, and is taken from the Chart, or Epistle rather of *St. Patrick*, which is Printed in the *Monasticon* of the Learned and Laborious *Dugdale*, wherein *Josephus* is not mentioned, only the Twelve Disciples of *Philip* and *Jacob*; it reliseth of the humor of those antient times, and seems to be a farce of great improbabilities, and untelligible stuff, and not unlike the many ridiculous and incredible Relations of *Saints*, *Miracles* and *Relicks*, which were Recorded in the *Monastery*, and are published by the same Worthy Author. Besides, *Patricius* came hither, *An. Dom.* 433. and in this Epistle enumerates 12 Brethren he found there, and gives some of them pure *Saxon Names*, when as the *Saxons* came as not into *Britain* until the Year 449. as *Bede* Reports, or in 458, as the same Story of *Glastonbury* in the next Page, Line 20, seems to intimate. Nor was this History either Notorious or Current in

Nero Claudius
Cesar, Anno
D. m. 63, 63,
64, &c.

Polyeetus sent
an Arbitrator into
Britain.

There, c. 39.
253.

Petronius
Turpilianus.

Trebellius
Maximus.

Joseph of A-
rimathea, his
coming into
Britain but a
Story.

Monasticon,
Tome 1. fol.
11.

There.

Bede Eccles.
Hist. lib. 2. c. 5.

V. Bedes

Nero Claudius
Cesar, Anno
Dom. 62, 63,
64, 65, 66,
67, 68, 69,
70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80.

Titus Flavius
Vespasianus,
Anno Domini
70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80.

Suet. Nero. c.
49. 647.
Vespasianus
Governor
in Britain.

Tacit. de vit.
Agric. c. 6, 17,
458.
There, lib. 3,
lib. 4. c. 44,
380.

Suet. Vitell.
c. 17. 725.

Tacit. de vit.
Agric. c. 17,
458.

Petilius Cerealis
his Pro-Prator
in Britain. An.
Dom. 73.
Brigantes
Overcome.

Julius Frontinus
Succeeds him
in the
Lieutenancy. A.
D. 76.
The Silures
Subdu'd.

Agricola suc-
ceeds him. A.D.
79.
There, c. 18.

The Ordovices
almost Extirpa-
ted.

17. Bodes time, for he takes not the least notice of it, nor have any of the Moderns, with any reasonable probability, confirmed it.

Nero having Kill'd himself, from the time of *Trebellius*, Britain was Rul'd by *Lieutenants* of the *Legions* in equal Authority (only *Calpurnius* was most active, and dared most) until after the short Reigns of *Galba* and *Otho*; *Vitellius* having obtain'd the *Empire*, sent his brother *Vespasianus*, who was not much unlike *Trebellius*, save that, by the mildness of his temper, in stead of striking fear and terror into the *Britains*, he had procured their love and affection; who took occasion from his easiness, and the Divisions and War that happened from the Contentions of *Vitellius* and *Vespasian* for the *Empire*, to revolt in several parts of the *Ile*, and some of them openly to declare in favor of *Vespasian*, who had behaved himself nobly and honorably in Britain in *Claudius* his time, so that for this cause *Bo- lannus* refus'd to send any of the *Legions*, or to give *Vitellius* any assistance from hence: who being slain, his Death ended those Civil Dissentions.

So soon as *Vespasian* had, with the whole *Empire*, recover'd Britain, he employ'd there great Captains, and a Powerful Army; *Petilius Cerealis* his Lieutenant struck terror into the *Britains*, invading the Country of the *Brigantes*, the most Populous of the whole *Province*, the greatest part whereof, after many bloody Battles, he either Conquer'd, or Wasted, by which Action, he much abated the hopes and courage of the *Britains*; nor was the Reputation of his Successor *Julius Frontinus*, lessened by his Fame, he subduing the *Silures*, a strong and Warlike Nation, not only by fighting with the Men, but encountering Mountains, Streights, and places of difficult access.

In this condition *Agricola* found Britain, when he came in the middle of Summer. The *Roman* Soldiers being as it were secure, and their Enemies taking every opportunity of advantage against them; the *Ordovices*, a little before his Landing, had destroy'd a Wing, or *Brigade* of Horse that lay upon their Borders. The Country alarmed with this beginning, and being inclined to War, allowed the Example; yet some stay'd to see how it would affect the new Lieutenant: Then *Agricola*, although the Summer was spent; and the *Cohorts* lay dispersed in the *Province*, and the Soldiers presuming of Quiet that Year (judging it better to secure the suspected places, than make any new attempt) resolv'd to meet the Danger; and drawing together the *Legions*, and some *Auxiliaries*, and because the *Ordovices* durst not descend into the Plain, he himself, to encourage the Army, Marches first in the Front, up the Hills, and by this Enterprize he almost destroyed the whole Nation; and following his Success, he designs the taking of the *Ile Mona*, from the Possession whereof *Paulinus* had been revok'd by the General Insurrection of Britain; But Ships being wanting, his Policy and Resoluteness devised a Passage; for he commanded the most choice of the *Auxiliaries*, to whom the Shallows were known, and who, according to the Custom of their Country were able to Swim over with Horse and Arms, suddenly to Invade them; which so Amazed the Inhabitants, who expected Ships and Boats to Wast them

them over; That now believing nothing could be hard or invincible to Men of their Resolution, begged Peace, and yielded the *Iland*.

Thus *Agricola* became great and famous; because at his first entrance, he us'd that time in the achievement of laborious and dangerous Enterprizes, which others spent in vain Gratulations and Ambitious Ceremonies. He call'd not Success, and the Depression on the People subdued, a Victory; but understanding the humors and inclination of the People, and taught by the experience of others, That Arms prevail little, where Violence and Injuries are permitted, he resolv'd to cut off all causes of War, beginning first to Reform his own House and Family; he committed no Publick Affair, either to his *Liberts*, or Slaves; he received no Soldier near him, upon private affection, or the Commendation and Petition of *Centurions*, but elected and preferred the best and most serviceable; he observed all things, but punished not all Faults, small ones he Pardoned, and for great ones us'd a futeable Severity: not always animadverting upon Offenders, but oft-times satisfy'd with Repentance; he chose rather to prefer such to Offices, and the Administration of Affairs, as were not likely to offend, then after the offence to punish and remove them: he equally impos'd the payment of *Corn*, and *Tribute*, taking away the Exactions, and Fees of Officers, heavier then the *Tribute* it self; for the *Publicans* in former time forced the People to wait at the Barn Doors, which were shut against them, first to buy *Corn* of them at dear rates, and afterwards to sell it them again cheap, and at their own price; they were also often appointed by the *Purveyors* to carry Provision from places near one Winter Camp, to others far off, and out of the way, taking a composition of such as would be excus'd: By Repressing these Abuses and Extortions in his first Year, a good Opinion was conceived of Peace, which either by the negligence or partiality of former Lieutenants, was no less dreaded then War.

By his sudden Incurfions and Assaults, the Summer following, by his Prudence, Diligence, and Activity in War, he very much terrify'd the *Britains*, and then again he would forbear them, and assayed to reduce them, by Invitations and Allurements to Peace. Whereupon many *Cities*, which before would not submit, gave Hostages, and received *Garrisons*; The next Winter he spent in most wholesom and subtil *Connsels*, and Designs, for that he might, by Pleasure, accustom rude Men, who lived dispersed, and were therefore prone to War, to Ease and Quiet, he privately exhorted, and publicly assisted them to build Houses, Temples, and Courts of Justice, commending such as were forward, and chastising the slow and idle, raising among them an emulation to this undertaking, from force and necessity, which they perceived not; he caus'd also the Noblemens Sons to be instructed in the Liberal Arts, preferring the Wits of Britain before those of *Gallia*; by which means they became very desirous of *Roman* Eloquence, that before refused the Language, after that the *Roman* Habit came in Fashion, and the Gown was much us'd, and so by little and little, they proceeded to the com-

(b) *Liberts*; were such as were Manumitted from Bondage, or Slavery. *Rosini* Ant. lib. 1. cap. 20.

Titus Flavius
Vespasianus,
Anno Dom.
70, 71, 72, 73,
74, 75, 76,
77, 78, 79, 80.

The wisdom of
Agricola.

There, c. 19.

And Justice.

There, c. 20.

An. Dom. 80.
Agricola's Art
to Subdue the
Britains, and
cause them to
submit.

There, c. 21.
459.
His Practices
to change their
Manners.

They build
Houses, Tem-
ples, and Courts
of Justice.

most

Titus Flavius
Vespasianus,
Emperor

Titus Flavius Domitianus,
Anno Dom. 80,
81. 82. &c.

*They use Bathes
and Banquet-
tings, &c.
Flavius Vespasianus Dyes.
Anno Dom.
81.*

There, c. 72.
His Son Titus
Succeeds.
His Skill in
Raising Forts,
&c.
Anno Dom. 82.
There, c. 23.

mon Provocations of Vice, Sumptuous Buildings, Bathes, and Exquisite Banquettings, which things the ignorant People called Civility, when as they were intended as preparatives for Bondage.

In his Third Year he discover'd New Nations, waiting all before him unto the Frith of *Tau*; he was so dreadful to his Enemies, that although his Army was wearied with many sharp Conflicts and Tempestuous Weather, yet they dare not oppose him, but permitted him to build Fortresses and Castles where he pleased: A wherein *Agricola* was either so skilful or fortunate, that no Fort or Castle of his erecting, was either taken by Force, Surrendred upon Conditions, or Quitted as not Defensible. By Irruptions out of these, made Impregnable by continual Relief, he so streightned the Enemy, whose custom it was, to attempt in Winter what they lost in Summer, that their condition was now alike at all times.

His Fourth Year was spent in viewing and settling what he had over-run; and if the Valor of his Army, and the Glory of the *Roman* Name could have so permitted it, there had been no need of seeking other Limits of *Britain* then were at that time Discover'd. For *Glota* and *Bodotria*, two opposite Arms of the Sea, shooting into the Land, are divided by a narrow portion of Ground, which was Guarded with Garrisons and Castles, so that the *Romans* possessing all on this side, had removed their Enemies, as it were, into another *Island*.

Anno Dom. 83.
There, c. 24.
460.
Domitian.
c.

Anno Dom. 84.
There, c. 25.
A Fleet first
used by Agri-
cola.

In the Fifth Year of the War, and the First of *Domitian*, he Conquer'd and Subdu'd 6 Nations, until that time unknown, and had a Design upon *Ireland*; one of the Petit *Kings* wherof came unto him, being expelled thence by Domestick Sedition, whom he receiv'd and treated with great shew of Friendship, but retain'd him for the first opportunity he should have to use him.

In the Sixth Year of his Government, because a General Inurrection of all the Nations beyond *Bodotria* was feared, and that his passage by Land might be Impeached, he Equipped a Fleet, which, by the Appointment of *Agricola*, became first an Addition to the *Roman* strength, and by which Sailing along their Shoars, and bearing up their *Frisbs* and *Creeks*, he made War upon them both by Sea and Land: Oft-times both Sea and Land-Forces mixed in the same Camp, each side extolling their Adventures, some, in a Military Ostentation, talked of the Woods and High Mountains they had passed, others of the Dangers of Rocks and Tempests, some of Lands and Nations, others of the Seas and Ocean they had subdu'd.

The *Britains* (as it was understood from Prisoners) were much amazed at the sight of the Navy, as if their Seas being discover'd, there would be no way left for them to escape, if they were overcome. Nevertheless the *Caledonians* Arming with great preparation, began to Assail divers Castles, and some of the *Roman* Cap-

(e) The *Fribb*, or *Firib* of the River *Tay* in *Strathern* in *Scotland*, between *Fife* South, and *Angus* North. (d) *Glota*, now *Dunbrittain Fribb*, and *Bodorria*, now *Edinburgh Fribb*. (e) Probably the *Oreades*, and other *Scotch Iles*. (f) *Caledonians*. That part of *Britain* which lyeth Northward beyond *Graham's Dyke*, or the Wall of *Antoninus Pius*, commonly called *Severus his Wall*, in the Streight between *Glota* and *Bodorria*, was called *Caledonia*.

Britains being Cowards, under pretence of Prudence advised the General to retire on this side *Bodotria*, and rather to Retreat on his own accord, than to be driven back with shame: In the mean time he understood, that the Enemies would make their Irruptions in several Bodies; and lest they, being much superior in number, should inclose him, he also Marched with his Army, in three Divisions, which, when known to the *Caledonians*, they suddenly chang'd their Resolutions, and uniting their Forces, fall upon the Ninth Legion, as being the weakest, and having slain the *Centinels* (partly asleep, and partly amazed with fear) they broke into the Camp, and were fighting within the Trenches; when *Agricola* had intelligence from his Scouts, which way they were gone, he speedily March'd after them, and commanded his Lightest Horse and Foot, to Charge them in the Rear, and the rest to make a great Shout: the Day dawning, the Glittering of the *Roman* Ensigns dazzled the eyes of the *Britains*, who, after a very sharp Fight, in the very Gates, or entrances of the Camp, drew off to the Woods and Bogs which secured them, otherwise the War had been then finished by a compleat Battle.

Upon this Success, the Soldiers presuming all easie and open to their power, cryed out to be led into *Caledonia*, that with a continual course of Conquest they might find out the utmost bounds of *Britain*: now such as before the Battel, were so wary and wise in advising the *General* to Retreat, began to speak glorious things of themselves (such is the condition of War, that in prosperous events all claim a share in them, but Misfortunes are commonly imputed to one:.) Notwithstanding this, the *Britains* abated not of their Courage, attributing the Victory more to the Policy and Art of the *General*, then valor of the Soldiers, who, transporting their Wives and Children into places of safety, by frequent Assemblies and Religious Rites, entred into an Association and Confederacy against the *Romans*, and so both sides being incensed, Retreated.

That Summer a *Cohort of Germans*, having slain their *Centurion*, and other *Roman Officers* appointed to Discipline them, got, to save themselves, into some light Vessels, without a Pilot, and by Tide and Weather were carried round the Coast of *Britain*, exercising Piracy where ever they Landed, and were the first Discoverers to the *Romans*; that it was an *Island*.

E In the beginning of the Summer following, *Agriobola* sent his Navy before to lie upon the Coasts, with order to Land some time in one place, some time in another, and so to distract and terrifie the *Britains*, while he himself, with an expedite Army, in which were some of the most Valiant *Britains*, such, as by long experience, he had found faithful, Marched on to the Mountain *Grampius*, & where the *Britains*, above 30000 were Lodged, who yet increased, by the Affluence of stout young Men, and also of such Old Men as were vigorous and lusty, and had been long practised in War; amongst whom, *Galgacus*, by Birth and Merit a Person of the best Conduct; by whose Oratory, in Detestation of Servitude, their Courage was much heightened, which before was forward and vigorous enough, and as a testimony of the Impression it made upon them, they re-

Titus Flavius
Domitianus,
Anno Domini
84, 85, &c.

The Ninth
Legion almost
destroyed.
There, c. 26.
60.

The Caledonians beaten.

There, c. 27.

*The Caledoni
ans Associates*

Britain first discover'd to the Romans to be an Island.

An. Dom. 85.
There, c. 29.
161.

Galgacus General of the Caledonians. There, c. 30

be- There.

(g) *Gramp-Hill*, now *Grantsbain*, begins not far from *Grabsmes Dyke*, Northwards, before reaching *hanging Mountain*, extending into *Aibol* and *Murray*.

ceived

Titus Flavius
Domitianus.
An. Dom. 46.
87, &c.

There, c. 33.
462.

There, c. 35.
463, &c.

h.
i.

The Caledoni-
ans and Bri-
tains totally de-
feated.

There, c. 38.
464.

k.

Britain Com-
passed.
l.

There, c. 39.
465.
Agricola re-
presents to Do-
mitian the
State of Bri-
tain.

Camb. Brit.
691.
There, 110.

ceived it with Loud and Barbarous, yet Cheerful Acclamations and Shouts.

Agricola likewise, although he saw a great forwardness and alacrity in his Soldiers to engage the Enemy, yet incited them with an encouraging Oration, to Victory and Glory; while he yet spake, they ran to their Arms, and longing to fight, he thus disposed them; The Main Battle consisted of 8000 *Auxiliary* Foot, the Wings of 3000 Horse, the *Legions* he placed behind next the Trench of the Camp, to make good the Victory, if it were obtained without *Roman* Blood, or as a Reserve, if the *Auxiliaries* should be Beaten: The first *Battalion* of the *Britains* stood in the Plain, the rest upon the Ascent of the Hill, the middle of the Field was filled with Chariots and Horsemen, clattering and ranging up and down: *Agricola* seeing them so much to outnumber him, drew out his Army at length, and leaving his Horse, Marched before it on Foot; the Battle was sharp and doubtful, until he commanded Three *Cohorts* of *h* *Baravians*, and Two of *i* *Tungrians* (used to that kind of Fight) to come to handy-strokes; yet, by Art and Valor the *Britains* made good the Fight a long time, and often hazarded the *Roman* Army; at length, by the great conduct of *Agricola*, they were miserably routed, and by a hot and home pursuit, were totally defeated: about 10000 of the *Britains* were slain, of the *Romans* 340.

The *Britains* being dispersed, both Men and Women together howling and crying, drew with them their Wounded, forsaking their Houses, and, in Spight, Firing them; seeking Lurking places abroad, in the Woods and Mountains, some killing their Wives and Children, out of Compassion, to prevent a more cruel violence from their Enemies: The Night ended the pursuit; and the next day more fully discover'd the greatness of the Victory: Desolation and silence every where; the smoke of the fired Houses appeared afar off; no Sallies out of the Woods, no Shiring upon the Mountains; the Scouts met no Man.

Summer being spent, the *General* Marched his Army into the *h* *Horestians* Country, where, having received Hostages, he commanded his *Admiral* to Sail about *Britain*, while himself, with slow Marches, that they might with more terror awe the Countries newly reduc'd by this delay, leads both Horse and Foot into their Winter Camps; and the Fleet, by a Prosperous Voyage, compassed the *Isle*, and arrived at Port *i* *Trutmenfis*, from whence it set out.

Thus the whole *Isle* of *Britain* being Conquer'd, and the South-part of it reduc'd into a Province, *Agricola* drew up the State of Affairs here, and Modestly represented them by Letters to *Domitian* the *Emperor*; who, after his manner, received them with a Cheerful Countenance, but was inwardly troubled at the great Fame of

(k) They inhabited part of *Holland* about *Leyden*. and also other part of it, and *Gelderland*, between the *Rheine* and the *Waal*, now de *Riviere*. (l) *Tingri*, or *Germans*, they inhabited the *Bishopricks* of *Liege* and *Colen*, the *Dukeidoms* of *Fullers* and *Linzburgh*, the County of *Namur*, and part of the *Dukeidoms* of *Luxemburg*. (k) The *Horesti*, or *Horesti*. Inhabited, as *Cambden* conjectures, *Str-Dale* in *Scotland*, adjoining to *Anandale*, so Named from the River *Eike*, which runs into *Solway Frith*. (i) Thought to be *Rutupia*, near *Sandwich* in *Kent*, now *Richborne*.

Agricola,

Agricola, and tormented with envy at his Military Glory, he privately designed his Ruin, although for the present he commanded the *Senate* to Decree him *Triumphal* Ornaments, and Statua, and what else was usual, or Extraordinary in such cases; but sending *Salustius Lucullius* his Successor, *Britain* was deliver'd up to him in a good and peaceable condition; *Domitian* the meanwhile pretending, that *Syria*, then wanting a Governor, should be Assign'd to *Agricola*; however, whether he meant so or not, he never lived to enjoy that Province, Dying soon after, not without suspicion of Poyson.

His Successor left little Memory of himself in *Britain*, where he remained but a short time, for by *Domitian's* order he was put to Death, because he suffered certain Spears, of a new Fashion, to be called after his own Name, *Lucullians*.

Domitian being slain, *Anno Dom. 98*. *Nerva Coccejus* was Saluted *Emperor*: but there are no certain Memoirs left by any Authors what was done here in his time, nor is there much extant in Story what was done in *Britain* by the *Romans* in *Trajan's* time, who succeeded him; only some Authors Write, that the *Britains*, out of a desire to Free themselves, made an Insurrection, but were soon repressed.

Hadrianus being Proclaimed *Emperor*, received intelligence, that the Northern *Britains* made Incurfions into the *Provinces*, and sent thither *Julius Severus*, but before he could subdue and quiet them, he was recalled to suppress some Jewish Commotions in *Syria*, and the *Emperor* himself came with an Army into *Britain*, where he encountered the Barbarous People of the North, recovered such Forts as they had taken, and forced them to retire into the Mountains and Woods; when, Fortifying the Limits of the Province with a Wall of Turfes and Stakes, ^m 80 Miles in length, to defend the Inhabitants thereof from the sudden Assaults of their ill Neighbors, he returned Triumphantly to *Rome*: for this Exploit he was called the Restorer of *Britain*, which, as a Motto, was Stamped upon his *Coyon*.

The Provincial *Britains*, now fearing as much the Cruelty of their Northern Countrymen, as formerly the Invasion of Strangers, conformed themselves to the *Roman* Laws, as well *Civil* as *Martial*, under the direction of *Priscus Licinius* then *Pro-prator*.

Hadrian was succeeded by *Antoninus Pius*; whose Lieutenant *Lollius Urbicus* beat the *Brigantes*; and having driven back, and removed the Barbarous Northern People, built another ⁿ Wall of Turves; for these two Expeditions of *Lollius* he was called *Britannicus*, although he never saw *Britain* himself.

(m) This Wall was extended from the *Irish* to the *German* Sea; it began hard by *Bulness*, and passing over *Inna*, or *Eden*, now *Solway Frith*, and so by *Carlisle*, ended at the *Walden*, about three Miles from *Newcastle* upon *Tine*, or perhaps went as far as the *Walden*, or *Timonths*: it was called the *Pilly*, or *Hadrian's Wall*. (n) Between *Dunbritton* and *Edinburgh Frith*, commonly thought to be built by *Severus*, but was built by *Lollius Rebleus*, Lieutenant to *Antoninus Pius*, and ought truly to be called *Antoninus Pius* his Wall.

Titus Flavius
Domitianus.
Anno Dom.
Domini, 119.
8c.

Agricola Ag-
called.
There, c. 40.
There, c. 43.
465.

Suet. Dom. c.
10. 799.

Anno Dom.
98.

Anno Dom.
119.

Anno Dom.
123.

m.
Hadrian's Wall.
Spartian. in
Hadr. c. 11.
51.

The Provincial
Britains con-
form to the
Roman Laws.

Anno Domini
139.
Antoninus Pi-
us.
Capitolin. in
Anton. P. c.
5. 132.
His Wall.

n.

Camb. Brit.
693.
There, 698.

There, 699.

Marcus Aurelius, Antoninus, Pius Philo-
sophus, and Lu-
cius Verus,
Lucius, King of
some part of
Britain, Ulul-
lus, Aurelius,
Commodus,
Antoninus,
Anno Dom.
119, &c.

Marcus Aurelius,
Anno Dom.
161.
Capitol. in
Aurel. c. 8.
169.
Commodus,
Anno Dom.
181.
Concil. 12,
13, 14, 55.
De Primord.
c. 3. de Prae-
sul. c. 3.

Anno Dom.
186.
Dio, lib. 71.
820.

Marcus
Licutenant.

Chastish the
Britains.

He is Dismiss-
ed.

After him, *Marcus Aurelius* possessed the *Empire*, with his Associate *Lucius Verus*, and *Calphurnius Agricola* was constituted *Lieutenant* of the Province of *Britain*, who, partly by his Prudence, and partly by Force, appeased the Northern Tumults, and settled the Minds of those People who were the most impatient of the *Roman Yoke*.

He Dying, his Son *Commodus* was invested in the *Empire*,

About this time 'tis said, that King *Lucius* apply'd himself to *Eusebius Bishop of Rome*, that by his Assistance and Direction, he and his Nation might be instructed in the *Christian Faith*: Who Wrote back to him an *Epistle*, and sent *Phagatius*, or *Fugatus*, *Diruvianus*, *Duvianus*, or *Damianus*, hither, by whom *Archbishops* and *Bishops* were appointed and Consecrated in the Seats of *Archflaminus* and *Flamins*: which *Epistle* and Tale of *Archflaminus*, *Flamins*, &c. Sir *Henry Spelman* clearly argues of Forgery; they are also rejected by *Archbishop Usher*, and *Bishop Godwin*, upon very good grounds and reasons there expressed.

More consonant to Truth and Reason it is, That *Christianity* spreading it self, and much Increasing, in so many years after its appearing here in *Britain*, and in the Territories of *King Lucius* (if any such Man there was) and being a Profession, sober, simple, plain and free from *Pagan* Dotages, their Foolish Rites, and Groundless Superstitions; and probably then also being taken up by Sober, grave, wise, and Learned Men, he likewise embraced it, and with him his whole Court and People; yet it may not be improbable, that he sent to *Rome* (if there were any such King in *Britain*) it being then the most Celebrated Place for the Profession of *Christianity*, and to *Eusebius*, or some Bishop of that City, for a Correspondency in the Affairs of Religion, and to know the usages, Doctrine, and practise of it there; but, that he should Write back such an *Epistle* as this, no Judicious Man will believe. Authors differ in assigning the time of this Transaction; *Bede* would have it, *An. Dom.* 156. *Malmesbury* 166. *Matth. Westminster*, 185. others, 182. 167, &c.

Amongst all others, the most troublesome War to *Commodus* was the *British*; for the Northern *Britains* having broken down, and passed the Wall placed between them and the *Roman Camp*, surprized and killed the *General*, and most of the *Soldiers*, and wasted the Province far and near.

The *Emperor* affrighted with this action, sent against them *Ulpus Marcellus*, a Man, sober, vigilant, magnanimous, mild, and temperate, against Bribes impregnable; he soon made an end of this War, which at first appeared so formidable, and sufficiently Chastish'd the *Britains* for their Revolt; he revived the lost Discipline of War, for want of which the Army grew Licentious; for this good Service, and for his Virtues sake, *Commodus* could scarce abstain from putting him to Death; yet, upon better thoughts, he only discharged him from his Employment.

After he left the *Ile*, the *Roman Army* began to Mutiny, and refused to acknowledge *Commodus* for their *Emperor*: which Disorders, *Perennis*, his great Favorite (to whom he permitted the Care and Management of the whole Affair of the *Empire*) undertook to Redress, by Menacing the *Soldiers*, and removing of Of-

ficers,

ficers, and placing others of less note and worth in their steads; In this heat the *Legions* chose 1500 *Soldiers*, and sent them to *Rome*, who, without any trouble, or prohibition, came unto *Commodus*, and exhibited an accusation of Treason against *Perennis*, for Conspiring against him, and designing to make his own Son *Emperor*; He easily believ'd it, especially at the instance of *Cleander*, who hated him, and being declared *Traitor*, was deliver'd to the *Soldiers*, who first Scourged, and then Killed him.

He being slain, *Commodus*, by Letters, solicited *Helvius Pertinax* to undertake the Charge of *Britain*, and being come thither he suppressed the Sedition, and deterred the *Soldiers*, who would rather have had any other *Emperor*, especially *Pertinax* himself; in this attempt he underwent a great danger, being almost slain, and left amongst the Dead; which Seditious action he severely Revenged, and then craved leave of Dismission.

After him, by the Command of *Commodus*, *Clodius Albinus* had the Government of the Province assigned to him, and by him also was honor'd with the Title of *Cesar*, but he declin'd it; and afterwards declar'd openly his affection to the Antient Government by the *Senate*, in an Oration he made to the *Soldiers*, upon a false Report of the Death of *Commodus*, commending, and preferring the same, before that of the *Emperors*; which Oration being carried to *Rome*, so exasperated *Commodus*, that he presently sent *Junius Severus* his Successor, who, whether he stayed, or what he did here, is uncertain: *Commodus* not long after being Strangled by *Narcissus*, and the Reigns of *Pertinax*, and *Didius Julianus* being very short, *Albinus* was found again in the Head of the Army in *Britain*, in the beginning of *Severus*, which he Transported against him into *Gallia* afterwards, where, near *Lugdunum*, he was encountered by *Severus*; his Forces defeated, and himself slain: he divided *Britain* into two Governments, or *Prefectures*; the South part was committed (as may be thought, to *Heracianus*, or *Heracitus*, as *Spartian*) and the North part to *Virius Lupus*, where the *Meate*, assisted by the *Caledonians*, withstood him, and forced him to purchase Peace with Money.

Not long after, the *Emperor* was informed by Letters from the Prefect of *Britain* (*Virius Lupus*) That the Barbarous People, by Incursions, wasted the Country, and that there was need of a greater Force, or his Presence, to repel them; *Severus* joyfully receives this News, and being naturally desirous of Glory, after his Victories in the East, he prepares to erect Trophies in *Britain*, and besides, to take off his Sons (whom he carried with him) from the Pleasures of *Rome*, Aged as he was, and much afflicted with the Gout, being, for the most part, carried in a Horse-Litter, yet came thither sooner than he was expected: The Northern *Britains* daunted at his coming, and the Forces brought with him, as also with other great preparations against them, sent *Ambassadors* to seek Peace, and to excuse their former Delinquency.

(o) Lyons in France. (p) The Inhabitants of Northumberland, and the Lower parts of Scotland near *Hadrian's Wall*. (q) The Inhabitants of the North parts of Scotland, beyond *Antoninus Pius* his Wall, attributed to *Severus*, now commonly called *Graham's Dike*.

Ulpus, Albus, Aurelius, Commodus, Antoninus, An. Dom. 181, 183, &c. There, 811.

Anno Dom. 188. Capitol. in Pertina. c. 3. 301. Pertinax succeeds him. And craves Dismission.

Clodius Albinus made Governor. Capitol. in Albin. c. 13. 14. 403. Anno Dom. 191.

Commodus Murder'd. Anno Dom. 195. Herod. lib. 2. 56.

O. Severus. There, 69, 70. There, 71. Spart. in Sev. c. 6. 339. Dio. lib. 75.

D. Herod. lib. 3. 82.

Severus goes into Britain.

There, 83.

Mætt. Caledonians. Camb. Brit. 701.

But

Severus, Antoninus, Bassianus, Caracalla, &c. Geta, &c.

Ann. Dom. 109.
Severus deserts the Name of Britannicus.
Herod. lib. 3.
83.
Dio. lib. 76.

There, lib. 76.
807.
His great Labor to Conquer the Britains.
Q. How these two Reports agree.

The Britains yield up part of their Country, and make Peace.

Burton, upon Anton. Itener. 63.

Severus repairs Hadrian's Wall.
Spart. in Sev. c. 17. 355.
Camb. Brit. 652.

There, 868.
Zosim. lib. 1.
6.
Papinianus appointed Governor to Geta.

Severus Pomerit.
Ann. Dom. 212.

Herod. lib. 3.
85.
Caracalla his Cruelty.

Hist. August. variat. 745.

But he purposely delaying them (being ambitious of Victory, and the Name of *Britannicus*) while he prepared all things for War, and then dismissed and sent them home with an ineffectual Answer.

His first care was, to lay Bridges over the Bogs and Morasses, that his Soldiers might stand firmly, pass easily, and fight safely; and having Marched his Army beyond the Rivers, Bulwarks and Rampiers, which distinguished the Roman Limits from the Barbarous Britains (or into Caledonia, as Dio) there were many Tumultuary Fights and Skirmishes, the Romans being every where Victors; but the Britains easily saved themselves, by retreating into their Fastnesses, amongst the Woods and Bogs, almost naked; yet Dio reports this Expedition into Caledonia somewhat otherwise, and says, That he passed thorough it with great difficulty, and that to make his way he cut down Woods, digged through Hills, made Causeways over Bogs and Fens, and Bridges over Rivers: that there was no Fight or Battle, nor did the Enemy ever draw out upon them, or appear in a Body, they only sometimes turned out some Sheep and Oxen, thereby drilling the Romans into Ambushes, by which means, and by reason of the Difficulty of the March (many being killed by themselves, that were not able to continue it) there died Fifty Thousand; yet did not Severus give over till he came to the utmost parts of the Isle, although by reason of his Age and Weakness, he was carried in a Horse-Litter, forcing the Britains to make their Peace, by yielding up a great part of their Country; Conditioning also to lay down their Arms, to contain themselves within their own Mountains, and that they would make no Inroads, or Invade the Roman Province, which he had, by the help of the Sixth Legion, Bounded and Fortify'd with a Stone Wall of 12 Foot high, and 8 Foot Thick, with Towers and Battlements, in the same place and Tract of Ground where Hadrian's Wall was, and drew it from Sea to Sea, from whence he was called *Britannicus*, the Ruines of which *Cambden* viewed.

When he returned into the Province, he committed the Government thereof, for Civil Causes, to his youngest Son *Geta*; *Amilius Paulus Papinianus*, the Famous Lawyer, being appointed to assist and direct him, who, as Chief Minister of Justice under him, had his Tribunal at *Eboracum*: To *Bassianus Antoninus*, the Eldest, he commits the Command of the Army; But, no sooner was *Severus* come from amongst them, but the Britains Arm again; wherefore he calls together his Soldiers, Commands they should Invade them, and kill Man, Woman and Child: yet, before his Commands were executed, worn out with Labors, Old Age, Infirmities, and Grief for the wickedness of his Son *Antonine*, he died at *Eboracum*.

After whose Death, *Antoninus Caracalla*, his Impious Son, put to Death the Physicians, because they dispatched not his Father, according to his Commands; nor did his Cruelty spare any one that had been advanced by, or shewn any respect or honor to his Father;

(*) The City of York, which was the Station of the Beloved Legion of *Severus*, called *Sexia Petrix*.

he

he practised, by Bribes and Promises, with the Soldiers, to declare him sole Emperor; which, when he could not effect (for the kindness and affection they had for his Father, who had appointed his Brother *Geta* equal with him in the Empire) he made Peace with the Britains, received Hostages, and departed to Rome. From this time of his leaving the Island all Authors are silent, concerning what was done here, for many years together; only 'tis thought, some of the 39th Tyrants, as *Lollianus*, *Victorinus*, *Posthumus*, the *Tetrica* and *Maximus*, in the Reign of *Gallienus*, might usurp the Government here, where their Coins have been found in great quantities.

In the time of *Aurelianus*, *Proculus* and *Bonofus* at *Agrippina*, invaded the Empire, and Usurped Britain, Spain, and Gallia *bracata*: The latter of whom, being overcome and vanquished by *Probus*, hanged himself, and gave the occasion of the Jest, That there was a Pitcher hanged up, not a Man; he being noted for his excessive Drinking.

After that, *Probus*, by the means of *Victorinus* a Moor, prevented another Rebellion in Britain; for calling to him *Victorinus*, he upbraided him with the Seditious Practices of him, whom he had recommended to him for Governor of Britain; and sent *Victorinus* to correct him, who, by a witty Stratagem (not mentioned by the Author) slew the Traitor: About this time *Probus* Fought with the Vandals and Burgundians that Invaded Gallia, and overcame them; the Prisoners he took were sent into Britain, where being well settled, they proved very useful to the Emperor upon any Com-motions or Insurrections.

After him *Carm* succeeded in the Empire, who making an Expedition into Persia, took with him *Numenarius*, one Son, and left *Victorinus* another, to Govern in Gallia, Italy, & Illiricum, Spain, Africa, and Britain, as Emperor; and directed, that in all things he should behave himself accordingly: But *Dioclesian* being saluted *Augustus* by the Eastern Army, after many Battles, vanquish'd and kill'd him at *Margum*, a Town in *Masfa*.

About this time, *Carausius*, a Man of mean Birth, but of a great Mind, was Employed to secure the Belgic and Armorican Coasts, infested by the Franks and Saxons; who neither restoring to the Owners what he had taken, nor giving the Emperors Officers an account thereof, grew Rich with his Spoils; and being too great a delinquent to think of safety, and urged also by the notice he had, of *Maximianus Herculeus* (whom *Dioclesian* had made his Colleague in the Empire, then making War in Gallia) his Commandment to have him Killed; he Assumed the Purple, and possessed himself of Britain; him *Maximianus* endeavored to reduce by force, but in vain; for having gained the Roman Legions, and drawn into

(1) Suetonius called all the Chiefs and Leaders of Rebels. (2) Afterwards called upon the Rhene in Germany, the Chief City of that Electorate. (3) Gallia Narbonensis; it contained those parts of France which are now called Languedoc, Gascony, Dauphine, or Delphinat, and Provence. (4) Thought by *Cambden* to be Corn-Island, of *Penice*, between *Isria* and *Macedonia*, now called *Sclavonia*; or *Sclavo-Artique*, of *Penice*, between *Isria* and *Macedonia*, now called *Sclavonia*, and *Isria*. (5) *Margum* was a Town in Upper *Masfa*; the Country's since called *Bosna*, and *Servia*, near *Dalmatia*. (6) now *Bretagne* in France.

his

Antoninus Bassianus, Caracalla, &c. and Geta, &c.
Dionys Aurelianus, Aurelianus, Probus, Carinus, Dioclesian, and Maximianus, An. Dom. 209, 211, 278, &c.

Camb. Brit. 59.

t. ii.

An. Dom. 165, An. Dom. 271, &c.

Volsic. in Probo, c. 18. 942.

Probus.

Idem in Bonofus, c. 15. 977.

Zosim. lib. 1. 36

x.

ibid. lib. 1. 37.

ibid. lib. 1. 37.

ibid. lib. 1. 37.

ibid. lib. 1. 37.

ibid. lib. 1. 37.

ibid. lib. 1. 37.

ibid. lib. 1. 37.

ibid. lib. 1. 37.

ibid. lib. 1. 37.

ibid. lib. 1. 37.

ibid. lib. 1. 37.

ibid. lib. 1. 37.

ibid. lib. 1. 37.

ibid. lib. 1. 37.

ibid. lib. 1. 37.

ibid. lib. 1. 37.

ibid. lib. 1. 37.

ibid. lib. 1. 37.

ibid. lib. 1. 37.

Dioclesian and Maximianus.
Anno Dom.
171, 278 &c.

Eutrop. lib. 9.
94. 95.

Anno Domini
191.

Galerius and Constantius
made Associates in the Empire.

Anno Domini
193.

Eumenius Pa-
negyri. 10.

his Party the discontented People, and Northern Britains, being like-
wife a valiant Man and great Soldier, at last he made Peace with
him, and permitted him to enjoy the Island.

The State of the Empire growing troublesome, the Two Emperors
chose two Associates and Assistants in the Government, by the Title
of *Cæsars*; *Galerius Maximianus*, who was sent into Persia, and *Con-*
stantius Chlorus into Britain against *Carausius*; but before he arrived,
A *Carausius* was slain by *Albion*, his Familiar Friend and great Confi-
dent, one trusted with the Management of his greatest Affairs, after
he had ruled Britain Seven years.

Constantius, after he had taken *Gessoriacum*, which had been pos-
sessed by *Carausius*, laid hold of this opportunity, to prosecute the
War against *Alectus*, who had set himself up in *Carausius* his place;
and understanding *Constantius* his Design, resolved to meet and in-
tercept his Fleet at Sea, and for this purpose he lay with his Navy
upon the Coast of the *Ile Vectis*, but his expectation being fru-
strated, by reason the Romans, in a thick Mist, recover'd the Land,
before he could discover them, he prepar'd to encounter them, and
try his Fortune on shore.

Constantius, that he might leave to his Soldiers no hope of safety
but Victory, burnt his own Ships, so soon as they were Landed:
both Armies approaching one another, *Constantius* charged *Alectus*,
whose Army (consisting for the most part of Mercenaries) *Francs*,
Germans, &c. was soon routed, and *Alectus* himself slain by *Asclepi-*
dotus the *Prætorian Præfett*: The *Francs* fled to London, which
they pillaged; but before they could get off with their Plunder,
part of the Roman Army, which in the Mist at Sea had been separa-
ted from the main Fleet, by chance being brought thither, unladed
them of their Spoils, and put the most part of them to the Sword,
he having Usurped Three years; after Ten years Britain was resto-
red to the Roman Empire, according to *Eutropius*; but *Eumenius*
seems to report this as one Continued Action.

Most certain it is, that about this time, the Innocent and Harm-
less Christians throughout the Empire, suffered under a most horrid
and dreadful Persecution, because they refused to offer Sacrifice to
the Roman gods, according to the Command of *Dioclesian*, and many
in this Island; the Narratives of whose Christian Zeal, Courage, and
Confancy are so obscured, by the Fabulousness of the Relators, and
so mixed with Fictitious Fancies, That we can scarce Discover Re-
ally what persons suffered, or when, where, and in what manner
they received their Crowns of Martyrdom.

But *Dioclesian* and *Maximianus* having resigned the Empire to *Ga-*
lerius and *Constantius*, the latter of whom, among his other Provin-
ces, having Britain for his share, gave the Christians there the Free
Exercise of their Religion; he came into this Isle himself, where, re-
inforcing the Garrisons toward the Borders, and establishing a ge-

(b) *Vectis*, the Isle of Wight: here must be a Mistake in *Eumenius*, for why he should lye
here I understand not, seeing from *Gessoriacum*, or *Bolgue*, there was a more ready
Passage, and far shorter into Britain. (c) He was Captain of the Emperors Guards, and
the Soldiers of the Guard were called *Prætorian Soldiers*.

neral

neral Peace, he came to York, and there fell Sick of a languishing
Disease and died.

In the mean time *Constantine* happily made his escape, and came
Post from Rome, whom his Father receiv'd with exceeding great joy,
named him, and was, after his Funeral, saluted Emperor by the whole
Army.

A He was the Son of *Constantius* by *Helena*, and what she was, whe-
ther his Wife or Concubine, and of what Country, whether of Bri-
tain, *Mæsa*, or *Bithynia*, it is much controverted amongst Authors.
Zosimus, *Bede*, and *Nicephorus* report her his Concubine, and unlaw-
ful Woman; others, as *Eutropius*, &c. will have her his Wife, and
that he was Divorced from her, when he Married *Theodora*, the
Daughter in Law of *Maximianus*, who exalted him to the Em-
pire: As to her Country *Bede* is silent: *Baronius*, *Cambden*, *Alford*,
B *Fuller*, and many others, will have her a Britain, and some the Daugh-
ter of *King*, or *Earl* *Coel*: and that *Constantin* was born in Britain;
Nicephorus, *Livianus*, *Lipsius*, and others, contend he was born at
d Drepanum, and that *Helena* was the Daughter of *Constantius*'s host,
when he lodged there, in his Expedition against the *Persians* and
Sarmatians; *Firmicus* affirms, he was born at *Naisus*, a Town
in upper *Mæsa*.

But I leave these Controversies to those that think it worth their
trouble to examine who are in the right; and return to the great
Constantin, who Govern'd the Empire by Four *Prætorian Præfests*,
which he Instituted, and committed the Civil Administration of
Britain to *Pacatianus*, Vicar to the *Prætorian Præfett* of *Gallia*; and
being called from thence by the War against *Maxentius*, he carri-
ed over the Alps into Italy an Army of *Germans*, *Celts* and Bri-
tains, consisting of 90000 Foot, and 8000 Horse; by which, and
other Recruits, drawing the Guards from the limits of the Empire
C in *Gallia*, *Germany* and *Britain*, and removing them also from the
Frontiers into Inland Towns and Cities, which, filled with Soldiers,
were abandoned by the Inhabitants, he opened a way for Invasi-
ons and Incurfions into the Western Empire, and the Province in
Britain, and by which means (the Soldiers also in their new Quar-
ters, growing soft and voluptuous) he laid the Foundation of the
Ruin of the afterwards declining Empire.

About the 9th of his Reign, saith Sir *Hen. Spelman*, out of *Sir-*
mondus, he commanded a Council to be held at *Arles* in France, where
were present Three British Bishops, *Eborius* of York, *Restitutus* of Lon-
don, *Adelfus* of *Camelodunum*, or *Maldon*, *Sacerdos* a Priest, and *Armini-*
us a Deacon, who brought with them the Canons of this Council
into Britain, that they might be observed there.

Constantin likewise called the General Council at *Nice* in *Bithy-*
nia, and Wrote into Britain, amongst other Countries, for the ob-

(d) A Town in *Asia*, in the Country *Bithynia*, between the Cities *Nicomedia* and *Nicea*,
near the Propontis, called *Heleneopolis*, in Memory of *Helena*. (e) Now *Nisus*, or *Ni-*
jam, in Upper *Mæsa*, which was noted before. (f) People that inhabited *Gallia*, *Celtæ*,
afterward *Lugdunenses*, which is that part of France which lyeth between the Rivers *Loire*
and *Sela*; it also contained both the *Burgundies*, Dutchy and County, and some part of
Switzerland, &c. They also were, whether at first, or in process of time, seated in *Spain*,
Italy, and most parts of Europe.

F

servation

Dioclesian and Maximianus,
Galerius and
Constantius,
Constantinus Magnus, Anno
Dom. 300,
A. C.

Arcl. Viâor,
de *Cæsar*. c. 40.

Eumen. Pa-
negyri. 9.

Zosim. lib. 1. 46
Euseb. de vita
Constant. lib.
1. c. 15. 16.

Constantine,
Anno Domini
307.

Zosim. lib. 2.
46. 47.

Bede. lib. 1. c.
6. 31.

Nic. ph. lib. 7.
Eccl. Hist. c. 17.
as large.

d.

e.

Ibid. 63. 64.

Cam. Brit. 53.

f.

Zol. lib. 1. 50.

181d. 65.

Camb. Brit.
53.

Constantin
Draves the
Garrisons from
the *Limis* and
Frontiers into
Inland Towns.

An. Dom. 315.

Concil. 39.

Three British
Bishops at the
Council of
Arles.

Anno Dom.
330.

Socrat. lib. 1.
109. 114.

Constantius Magnus, Constantianus and Julianus Apostatice.

An. Dom. 315.

Spel. Council.

433, 45.

Constantine.

Wrote to have the Council of Nice observed.

Anno Domini 339.

He died this year upon Wednesday.

Zolm. lib. 2.

69.

Constantin in Epistola Magni.

Anno Domini 340.

lib. 70.

lib. 71.

lib. 72.

lib. 73.

Camb. Britan.

54, out of Am. Marcellin.

lib. 74.

lib. 75.

lib. 76.

lib. 77.

lib. 78.

lib. 79.

lib. 80.

lib. 81.

lib. 82.

lib. 83.

lib. 84.

lib. 85.

lib. 86.

lib. 87.

lib. 88.

lib. 89.

lib. 90.

lib. 91.

lib. 92.

lib. 93.

lib. 94.

lib. 95.

lib. 96.

lib. 97.

lib. 98.

lib. 99.

lib. 100.

servation of such things as were determin'd and decreed there; and also directed his *Epistle* to the People, that upon pain of Death they should burn all *Arian* his Books: By Testament he divided the *Empire*, after his Death, between his Three Sons, *Constantinus*, *Constantinus*, and *Constans*; he was Interred at *Constantinople*, and his Funeral Pomp attended by *Constantinus*.

In the Division of the *Empire* by *Constantin* the Great, *France*, *Spain*, and *Britain* were assigned to his Eldest Son *Constantinus*, Junior, but by the contrivance of his Brother *Constans*; after he had enjoy'd them Three years, he was Murder'd; who then Usurp'd that part of the *Empire*; yet before he was well establish'd, *Magnentius* rises up against him, and by his order, one *Gaiso*, with a Select Company, dispatcch him, at a Town named *Helena*, by the *Pyrenean* Mountains: *Magnentius* being seized of the greatest part of the *Empire*, *Constantinus* comes out of the East part of it, which was appointed to him by his Father, to make War upon him; and beating *Magnentius* from place to place, being deserted of all, and not able to support his greatness, he Killed himself.

After whole Death, *Britain* submitted it self to *Constantinus*; and then *Martinus* was deputed there under the *Prætorian Præfect*; who, disturbed and offended at the Inhuman Cruelty of *Paulus Catena*, who was sent an Inquisitor, to find out what Officers and Soldiers had Conspired with *Magnentius*, accusing the Innocent as well as the Guilty, that he might enrich himself by extorting Money from them: *Martinus* commiserating the condition of such as he knew Innocent; interceded with *Paulus*, persuading and beseeching him to spare them, or otherwise he would depart the *Island*; who, fearing he might be as good as his word, Accused the Vicar himself, that he was in the Conspiracy, and urged that he might be laid hold on, and carried bound to the *Emperor*.

Martinus much moved with such Reproaches (or, perhaps, not altogether Guiltless, drew his Sword, and struck at *Paulus*, but failing to kill him, turned the Point upon his own Breast, and killed himself.

Afterward *Julian* the *Apostate* being declared *Cæsar*, by *Constantinus* and his Collegue, in the *Empire*, the Government of *Gallia*; *Britain*, &c. was committed to him; who, residing then at *Paris*, upon the News of the Incursions of the *Scots* and *Picts* into the *Province*, and Complaints of the Spoils and Outrages they committed there, he sent *Lupicinus* to repel them, and settle the Country, not daring himself to pass into the *Isle*, left the *Gauls* and *Alemains*, in his absence, should Revolt, being without a Governor: *Lupicinus* came with an Army to *Bologna*, where Shipping his Men, with a fair Wind he arrived at *Rhinus*, and Marched to *London*, that from thence he might proceed whither his Business carried him.

About this time the *Arian* Heresie crept into *Britain*, which mightily disturbed the Peace and Quiet of the *Christians* there; in Favor of which *Constantinus* commanded a Council of 400 Bishops of

(g) *Rhinus*, the same with *Portus Trajectensis* in *Tacitus*, now *Rijndorp*, near *Sandwich* in *Kent*.

the

the Western Church to meet at *Arminium*, where there were Three Bishops only out of *Britain*; which, by reason of their Poverty, accepted the *Emperors* Allowance of Diet, while they staid there, all others refusing it. *Constantius* died of a Fever, in *October*, Anno Dom. 362, and left, by Will, *Julian* his Successor.

Jovianus Succeeded *Constantius* and *Julian*, whose Reign was short; and I find nothing noted concerning *Britain* in his time.

After him *Valentinian*, by the Unanimous Consent both of Military and Civil Power, was chosen *Emperor*; who declared his Brother *Valens Augustus*, and made him *Emperor* of the East: He himself Ruling in the West; where, while he was passing from the *Ambiani*, to the *Treviri*, he received a sad and astonishing Message, That the *Picts*, *Scots*, and *Attacotti*, from the North, together with the *Franes* and *Saxons*, who were the most feared, Invading the South-Coasts over against *Gallia*, had harassed, and with Fire and Sword destroy'd and ruin'd almost all *Britain*; That they had Kill'd *Nectarius*, the Count or Comes of the Sea-Coast, and surprized *Bucobaudes*, Duke of *Britain*, and General of his Land Forces, by a Stratagem; after he had, to no purpose, first sent *Severus*, then *Jovinus*, to suppress the Fury, Violence and Incursions of these People.

The Necessities of *Britain* requiring a greater Assistance, at last he sent *Theodosius*, a Man of known Valor and Experience, who was made Duke of *Britain*, and with an Army of stout Young Men, selected out of the *Legions* and *Cohorts*; Lands at *Ratnapia*; from whence, with the *Batavians*, *Hernulians*, and other Forces that followed him, he Marches to *London*, afterwards called *Augusta*, and dividing his Army into several Bodies, sets upon the Roving, Pillaging Enemy, laden with Spoil; from whom, recovering the Plunder and Prisoners they had carry'd away, he restores all to the Right Owners, save a small Portion he gave to his wearied Soldiers, and enters *London* Triumphantly; having scatter'd their whole

(b) *Attacotti*, or the People about *Amlus* in *France*, seated upon the River *Sonne*. (c) *Treviri*, or as the French call it *Treves*, seated upon the Mosel, and is the Seat of an Archbishop, and one of the Electors of the *Empire*. (d) They were called *Picts*, quasi *Picti*, from the *Provincialis Latin*, which was then much used on the South-side of the Wall in the *Roman Province*, and were no other, than the *Britanni*, who still Painted their Bodies as before the *Provincialis Britanni* had done (from whence they also had their *British* Name) and who inhabiting on the North side of the Wall, made War upon the *Romans*. (e) They were called *Scots*, *Seytes*, or *Senns*, as *Cambden* conjectures, having had, as other Nations, their Original from *Scythia*; they came first out of *Ireland* into *Scotland*, as *Bede* Reports, and out of the Province of *Ulster*, as *Giraldus Cambrensis* says, and settled themselves amongst the *Britanni* and *Picts*, in the West part of *Scotland*, which did not presently obtain this name; but in process of time, when more of these *Scots* (now properly the *Highlanders*) came to them, until they out-numbered, and almost destroyed the *Picts*, and the Kingdom of *Northumberland* also being wasted by the *Danes*, fell into their hands: The North parts of *Britain* received its Name from the *Scots*. (f) *Pictish*, whether they were Strangers, or Inhabitants of some part of the *Isle*, is happy to be for St. *Albani* says, That when he was a young Man, being in *France*, he saw them call *Mans* *Scots*. (g) The Inhabitants of part of *England* and *Wales*, chiefly between the Rivers *Wye* and *Avon*, they were originally *Attacotti*, and excellent Horsemen. (h) People inhabiting about the Lake *Mans*, removing from thence into *Normandy*, which contained *Attacotti*, part of *Britannia*, *Scythia*, *Carthago*, &c. and thence into *Germany* in Italy, or out of *Scythia*, which contained, *Norway*, *Sweden*, *Poland*, and part of *Denmark*, &c. as *Dionysius*.

Valentinianus *Primas*, and *Valens*, Anno Dom. 364, &c.

Three British Bishops at the Council of *Arminium*.

Sulp. Sever. Hist. Sacr. Am. lib. 5. c. 11. & 12.

Am. Marcell. lib. 2. c. 2.

Am. Marcell. lib. 2. c. 2.

An. Dom. 364.

Valentinian and *Valens*.

h.

i.

k.

l.

m.

lib. 11. c. 7.

Picts, *Scots*, &c. Invade the *Provinces*.

Nectarius slain.

Bucobaudes surprized.

n.

Theodosius *Propator*.

lib. 11. c. 7.

London called *Augusta*.

The *Scots* and *Barbarous Nations* overcome.

Picts, whence.

Camb. Brit. fol. 81.

Scots, whence.

Brit. fol. 86.

Histor. Eccles. lib. 1. c. 1. & 2.

and lib. 2. c. 1.

Topogr. Hiber. c. 16. & 17.

Camb. Brit. fol. 90.

Attacotti.

lib. 1. c. 1.

Contra Jovianum.

Petrus. Lex.

Valentinianus
Primus, and
Valens, 364.
Anno Domini
365.

Zosim. lib. 4.
741.
Am. Marcell.
lib. 18, c. 7.

Am. Marcell.
lib. 18, c. 7.

p.
q.

Ibid. lib. 18, c.
7.
Theodosius re-
cull'd.
* Here to de-
scribe this Of-
fice.

Ibid. lib. 29, c.
9.
Anno Domini
374.

The Division of
Britain by the
Romans.
Britannia Pri-
ma.
Britannia Se-
cunda.
Britannia Flavia
Cæsariensis.
Britannia Maxi-
ma Cæsari-
ensis.
Camb. Brit.
111.
Valentia.
Upper Britain,
Gr.
Lower Britain,
Gr.
Vecturiones,
Maxaz.
Caledonii.

force; and Proclaiming Impunity to such as deserted the Roman Service and Government, they most returned to obedience. Yet the Enemy being numerous, of many Nations, and in diverse Parties, he sent for, to his assistance, *Civilis*, to be Vicar, an able and upright Man, and *Dulcitius*, a Famous Captain, to be Duke.

Theodosius having thus overcome and vanquished these many sorts of People, and being employ'd in repairing the ruin'd Castles and Cities, and in laying the foundation of a firm Peace, *Jone Valentinus* a *Pannonian*, a Man of a haughty spirit, who was, for some great Fault, Banish'd into *Britain*, with other Exiles and Soldiers, Conspir'd against him, as the only bar to his Design of obtaining the Government of the *Ile*; who being discover'd, with some few others, that were most strictly joyned with him in the forming this Conspiracy, were deliver'd to the Duke *Dulcitius* to be put to Death: others he permitted to be quiet, not making too severe an Inquisition into this Confederacy, where many were engaged, lest by this way of proceeding he might have increased the danger.

After this he Corrects many things out of order, repairs Cities, places Garrisons, and strengthens the Castles and Limits of the Province, with sufficient Watches, and *Præsentures*, or *Fortifications*. And thus having recover'd that part of the Province, which was under the Power of the Enemy, he reduc'd it to its former State and Government; and from that time, according to the pleasure of *Valentinian*, it was call'd *P-Valentia*; the *Aræani*, were found guilty in this Conspiracy, who being corrupted with Rewards, often discover'd the condition of the Roman Affairs to the Barbarous People.

Theodosius, after these Achievements, being recalled, was accompanied to the Sea-side, with the general Favor and Applause of all Men, and passing the Sea with a gentle Gale, came unto *Valentinian*; by whom being receiv'd with much joy and affection, he was made Master of the Horse, in the room of *Valens Jovinus*, sometime afterwards *Froamarinus*, whom *Valentinian* had made King of the *Bucino-bantes*, upon fresh Excursions and Devastations made upon the new acquired Country, was sent hither, with power of Tribute over the *Alemanni*, which were then much valued for their Number and Courage.

(p) It was Customary with the Romans, when they Conquer'd any Kingdom, to give it new Names, and divide it into several Portions, or Provinces, according to the Will of the Conqueror. All the South Country, between the Rivers, *Thames* and *Severn*, was call'd *Britannia Prima*, because it was first Invaied and Conquer'd by the Romans. *Wales* was call'd *Britannia Secunda*, because next subdued; All that Tract of land between the Rivers, *Thames*, *Severn* and *Humber*, was call'd *Britannia Flavia Cæsariensis*, from *Flavius Theodosius Augustus*, the Son of *Theodosius*, and before it had this Name from him, was part of *Maxima Cæsariensis*, which, after his time, only contained all the Country between *Humber* and *Tyne*, or *Heddon* Wall; and was call'd so, because it was the greatest part of the Conquer'd Country, before *Britannia Flavia* was taken out of it. And lastly, all that Country between *Heddon*, or *Severn* his Wall, and *Grabam* Dike, or *Antonine* Wall, between *Edinburgh* and *Dunblane* Cities, was call'd *Valentia*. *Britia* was also, by *Dio*, divided in *Britannia vel septentrionalis*, which contained the parts here described; *et inferiorum*, *Barbarum vel ulteriorum*, which contained the *Petruviones*, whose Country the *Fliss*, or *Alanie* possess'd, and the *Caledonii*, whose Country the *Agas*, the Conquerors of the *Fliss*, &c. first Invaied and seized. (q) Certain Speculators, or Scouts, discover the Motions and Approaches of the Enemy. (r) They were Inhabitants of the Town and Country of *Welshden*, on the North-side of the *Rhine*, fight against *Alemanni*, an Appendant of the Country of *Nassau*, or the Country thereabouts.

Gratian,

Gratian, the Eldest Son of *Valentinian* by *Severa*, growing towards a Man, his Father made him his Colleague in the Empire, and he succeeded him after his Death; with whom, *Valentinian* the younger, his half-Brother, by his Step-Mother *Justina*, but then four years old, was elected his Partner in the Empire, by advice of the Council, and General consent of the Army.

But *Gratian* finding his Affairs perplexed, the *Goths* and other Barbarous People Invading the Empire on one side, and the Nations upon the *Rhene* Infesting it on the other, not thinking himself sufficient for the Administration of it, after the Death of his Uncle *Valens*, chose *Theodosius*, Son to that *Theodosius* that had so bravely behaved himself in *Britain*, to be his Consort, and sharer with him in the Empire, who Ruled in the East.

Things being in this state and condition, *Gratian* being an easy Prince, listening to Flatterers, and such as are wont to corrupt and debauch the kind and mild dispositions of Princes; received into his favor, and into the Army, certain *Renegado* *Alans*, unto whom he gave great Rewards, and trusted them with the Management of his greatest Affairs, neglecting at the same time his own Soldiers; who, for this cause, began to Murmur against, and hate him; the Soldiers thus kindled against him, especially those in *Britain*, and excited by *Maximus*, a *Spaniard* by Birth, and fellow Soldier with *Theodosius* there; who, taking it ill that *Theodosius* should be thought worthy of the Empire, and himself not thought fit to have any honorable Employment in the Government; more and more irritated the Soldiers against *Gratian*; and they being ripe for Sedition, were easily prevailed upon to Salute *Maximus* Emperor; and having delivered him the Imperial Diadem and Purple, they forthwith passed the Sea with him to the Mouth of the River *Rhene*; the Armies in *Germany*, and the Neighbor Nations, with much satisfaction approving the Design.

Gratian prepares to suppress this Rebellion, and fight *Maximus*, but being deserted by the Army he had gather'd together, seeing his Affairs desperate, he fled with 300 Horse toward the *Alpes*, and from thence through *Rhetia*, *Noricum*, *Pannonia*, toward *Upper Massia*, whether being pursued by *Andragathius*, Master of *Maximus* his Horse, passing the Bridge at *Sigisduinn*, he was overtaken and slain.

Theodosius, at the Instance of *Justina*, Mother to *Valentinian*, prepares to encounter *Maximus*, whose Army being defeated in *Pannonia*,

(f) People of European, *Sarmatis*, and thought, by some, to have inhabited that Country, which is now called *Lithuania*; but more rightly they were seated near the *Alps*, on Mountains, not far from the head of *Tanais*. (g) Mountains that separate *Germany* and *France* from *Italy*. (h) *Singidunum* rather a City of Upper *Italy*, seated upon the Danube, six Leagues Eastward from *Taurin*, or *Belgrade*, now called *Zendrya*, of the Greeks, *Smedero*; and in Modern Latin, *Semendria*. (i) Then the Second City of *Italy*, and Chief of the Carni, now *Aquileia*, seated on the North-East part of the Top of the Gulf of *Penice*, and in that Dukedom. (j) They were Northern People, who came out of *Scythia*, from about the Lake *Maotus*, and River *Tanais*, &c. and were of Gothic origin, they were called *Pandali*, from the word *Wandelen*, signifying to wander, or to go up and down, because they often changed their places of abode; as last they fix'd upon, and near the Coasts of the *Baltic* Sea, toward *Germany*, which from them, with many other North-East Countries adjoining, was called *Pandalia*, as *Adelphoburg*, *Pomerania*, *Polonia*, *Silesia*, &c.

Gratianus, 374.
Ibid. lib. 29, c. 5.
Anno Domini
374.

Ibid. lib. 30, c. 11.
Zosim. lib. 4, 711.
Anno Domini
379.

Theodosius chosen Emperor by Gratian, and Ruled in the East.
Zosim. lib. 4, 750.

Maximus Exiles the Soldiers to Sedition.

Anno Domini
381.
He is Saluted Emperor.
Zosim. lib. 4, 750.

Anno Domini
381.
He is Saluted Emperor.
Zosim. lib. 4, 750.

Anno Domini
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He is Saluted Emperor.
Zosim. lib. 4, 750.

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He is Saluted Emperor.
Zosim. lib. 4, 750.

Theodosius Major, Valentinianus Secundus, Honorius, Arcadius, Anno Dom. 383, &c.

An. Dom. 388. Zolm. lib. 4. c. 69. 770.

Young Valentinian restored. Gildas, c. 11. The Scots and Picts invade Britain.

They waste it. Socrat. Hist. lib. 1. c. 12.

Z.

Chrysanthus sent to repress them, and Stilicho.

Claud. Paneg. 2. de laud. Stilich.

Anno Dom. 395.

The Legion sent with them recalled.

The Vandals &c. invade Gallia, and Germany.

Zolm. lib. 6. c. 84. 885.

They frighten the British Forces.

Anno Domini 409.

They murder, and seize Marcus, Gratianus, and Constantine.

He transports the British Army into Gallia.

Sagomen. lib. 1. c. 15.

Constantine slain, Anno Dom. 413.

and put to Death.

Agricola instructed Pelagius to come into Britain.

An. Dom. 429. Bede, lib. 1. c. 17.

Suetonius, Whence

he fled to *Aquileia*, where he was taken, deliver'd to *Theodosius*, and presently put to Death; and to young *Valentinian* was restored whatsoever his Father, or his Brother *Gratian* had possessed.

The *Scots* and *Picts* taking advantage, when the Army, and the Flower of the *British* Youth was transported by *Maximus* (most of which were either slain, or seated themselves in *Amorica*, now *Britanie* in *France*) miserably spoiled and wasted the *Province*; for the opposing and reducing of whom, *Chrysanthus*, the Son of *Marcian*, Bishop of *Constantinople*, was made Vicar in the *British* Isle, who behaved himself worthily, and with great praise; but whether he totally subdued these Northern Enemies, or whether *Stilicho*, who was, by *Theodosius*, appointed Tutor and Governor to *Honorius* after his Death, or some other sent by him, as *Claudian* seems to affirm, reduced them, it no where it appears: not long after, the *Empire* being distressed, the *Legion* for this purpose sent into *Britain*, was recalled, and the *Vandals*, *Sueves*, and *Alans*, having passed the *Alpes*, harassed and destroyed the Nations on this side of them, with so great a slaughter, as they became very formidable to the Forces in *Britain*, who, fearing to be invaded, in a Sedition they place *Marcus* (then Deputy, as may be thought) in the Throne, and Subject themselves to him; who, not pleasing their humor, they presently Kill: bringing forth *Gratianus Municeps*, and putting upon him the Crown and Purple, placing also about him the Guards of a Prince; yet after Four Months him also they dethrone, and take away his Life: and then they choose *Constantin*, a common Soldier, thinking his Name Ominous, and sufficient only to preserve the *Empire*: he, with the Army, and whole *British* Power passed into *Gallia*; where, by the assistance of *Edoeb*, a *Franc*, and *Gerontius* a *Britan*, and by good words and flattery, he reconciled to him the whole Force there, and obtained all that Country as far as the *Alpes*.

But having disoblig'd *Gerontius*, he took as much pains to throw him down as he had done to set him up, exciting all his own and the Enemies of the *Empire* against him; who, being besieg'd in *Arles*, finding his condition hopeless, turned Priest to save his Life; where being taken, he was sent into *Italy*, and in his way thither put to Death; having played the *Emperor* about Four years.

At this time, when both the Nation and People were in such great Distraction and Confusion, *Agricola*, Disciple to *Pelagius* a Monk, sometime of *Bangor* in *Flintshire*, propagated his *Herefie* here, to the Disturbance of the weak *Christians*, who not able to withstand his Errors, called in to their Assistance, some years after, *Germanus* Bishop of *Auxerre*, and *Lupus* Bishop of *Troyes* in *France*, who by their Preaching in open Fields, and High-ways, and Disputations in a great Concourse of People (both Spectators and Judges) this *Herefie* was well nigh extinguished.

(2) People of the same Origin with the *Faeds*, so named from the Word *Schmeten*, of the same signification with *Wandelen*, and might be the same People under divers Names; for they are also affirmed by very good Authors, to have inhabited *Meckelburgh*, *Pomerania*, &c. they likewise possessed that part of *Germany* beyond the *Danube*, which is now called *Suevia*, and *Sachsmen*.

The

The *Empire* now declining, and most of the Soldiers being Transported out of *Britain* into other parts of it, by the Tyrants *Maximus* and *Constantin*, when they set up for *Emperors*: The *Britains*, after the example of the *Celts* and other Nations, by little and little made a Defection from the *Romans*, laying aside their Laws, and living according to their own Institution; who taking Arms, left no way unattempted to free themselves from the danger of the Barbarians, and nor improbably without the permission and consent of *Honorius*, who seems to discharge them of their Obedience, when he wrote Letters to them, That they should provide for, and Manage their own Affairs.

This Revolt of the *Britains* was pushed forward by the Irruption of the *Vandals* into *Spain*, the *Alans* into *Portugal*, the *Goths* into *Italy*, and the taking of *Rome* by *Alaric*.

Yet not long after, being infested and horribly oppressed by the *Picts* and *Scots*, they send to *Rome*, and with Tears Petition *Honorius* for Assistance against their Enemies, Promising a firm Subjection, if but once more they might be Repelled. To whose aid (forgetting all former Injuries) he sent a *Legion*, under the Command of *Vitorinus*, which with a mighty slaughter drove the *Britains* Enemies out of their Country; but being Remanded, at their departure they ordered them to Build a Wall *b between the Seas beyond the Island, which being made of Stone by the unskilful People, and without any experienced Director, proved of little use to them.

For the *Legion* was no sooner passed the Sea with Triumph; but their wanted Foes passed over the Priests at both ends of the Wall in Boats, made Irruptions into the *Province*, broke down the Boundaries, committed great Slaughters, wasting and destroying all before them: When they again, with a lamentable Narrative of their Miseries and Oppressions, Implore Aid from *Justin*, Praefect or President of *Gallia*; who, moved with their sad and deplorable condition, sent another *Legion* (as 'tis affirmed) under the Command of *Gallio* of *Ravenna*, which coming unexpectedly in *Autumn*, with great destruction and ruin chased the *Picts* and *Scots* over the Seas or Friths.

Then the *Romans* told the *Britains*, They could not undertake any more such laborious Expeditions for their Defence, admonished them to take Arms, and, like Men, defend and vindicate their Country, Goods, Wives, Children, and Liberties, from the Injuries of their Barbarous Enemies; and helping them to Build a Wall of Stone, where Seve-

(a) People of *Gallia Celtica*, which lay between, and was bounded with the two Rivers, *Sen*, upon which *Paris* is seated, and *Scheid*, which slides by *Antwerp* in *Brabant*; or as *Magnus* and some others, that part of *Gallia* which was called *Lugdunensis*, between the *Riv. Lore* and *Sein*, and contained *Britain*, *Normandy*, *Anjou*, *Main*, the Isle of *France*, *Champagne*, both the *Burgundies*, *Lleuoy*, &c. as they are now termed. (b) That is between the Friths of *Edinburgh* and *Dunbritan*, as *Bede* interprets them, whereof the East or *Edelburgh*, hath in the middle of it the City *Guind*, now the Island *Kelms*; and the West or *Edelburgh*, hath in the middle of it the City *Alcluth*, now *Dunbritan*. (c) 'Tis probable that first hath seated upon it the City *Alcluth*, now *Dunbritan*. (d) *Justin* was *Constantine* Institution of Praefect might yet be retained in the *Empire*; That *Justin* was Praefect of *Gallia*, and that at this time *Britain* was Govern'd by a *Picar* under him, for which reason they might apply themselves to him for assistance. (e) *Edinburgh* and *Dunbritan* Friths.

Honorius, Theodosius Junior, Valentinianus Tertius, Anno Dom. 414, 415, &c.

Anno Domini 414.

Anno Domini 414.

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Anno Domini 414.

Theodosius Junior, Valentinianus Tertius. Anno Domini, 414, 420, &c.

The Romans departure out of Britain. Hede, lib. 1. c. 12. 14.

rus had made his, Twelve Foot high, and Eight Thick, Fortifying it with Towers and Castles toward the Sea, to keep Boats from passing, and teaching them the use of Arms, they bid them Farewell, never intending to return again.

The Legion being Transported into Gallia, the Scots and Picts return again, and seize upon all the North part of the Isle as far as the Wall, and then Assault the Wall it self, pulling the Cowardly Defendants with Hooks from the top of it; who then leaving it, with the Cities and Fortresses adjoining, flee, the Enemy pursuing them, with a more Cruel and Bloody Slaughter then the former.

An. Dqm. 446.

The Britains in vain implore Aid from the Romans. c.

The poor Remains of the Britains send once more their most Miserable and Tragick Complaint to Aetius, in these Words; To Aetius Thrice Consul; The Groans of the Britains; The Barbarians drives us to the Sea, and that drives us back to them: thus tossed between two Deaths, we are either Drowned, or perish by the Sword. But they Solicit in vain; the Empire then distressed, by the Huns, Goths and Vandals, was not in Condition to assist them. And the Britains thus deserted by the Romans, and by reason of the great numbers of their stoutest and best Men that had been drawn out of the Isle for the Service of the Empire, not being able to withstand the Picts and Scots, called into their Aid the Saxons, &c. as shall be delivered in the ensuing Discourse of them.

What number of Forces. Camb. Brit. o. Carried out of Britain.

(c) Besides the two Armies of Romans and Britains carried from hence, by Maximus and Constantine, when they set up for Emperors, there were several Wings and Cohorts of Britains in the Service of the Empire in Egypt, in Armenia, in Myriem, in Spain, in Gallia, and amongst the Guards of the Palace.

The

The ROMAN Military Establishment in BRITAIN.

THis Military Establishment is taken out of the *Notitia*, or Summary of Theodosius Junior (so called by Alciat) in the Declining State of the Empire: such a Breviary was first invented and composed by Augustus, which contained the Publick Revenues and Treasure; how many Magistrates and Officers there were; what number their Army was; and of what People it consisted; how many Fleets and Kingdoms the Romans had; also the Tribute and Taxes of the Provinces; the Publick Burthens, and Payments; all which he Wrote with his own hand: This Suetonius calls a *Rationary*, and says he made it when he thought of delivering up and quitting his Government; and in another place calls it a *Breviary*: but much changed and altered by succeeding Emperors, according to the difference of times and things: The Names of Magistrates and Officers were much altered, and new ones erected; as also the Places and Names of Colonies and Garrisons: This now extant, is generally thought to be Written in the Reign of Theodosius the Younger, and about the Year 410.

In this Establishment there was a *Comes Britannie*, a Count of Britain, under the Generals, or Masters of Horse and Foot a *Præfectorial* in the West; the whole, whatsoever the Romans had in this Isle, seems to have been under his Command, as his *Ensignes* denote; which were, his Book of Instructions, his Letters Patents, or Commission, and under them a Castle Fortified, encompassed with the Sea in the Form of the Island, and superscribed *Britannia*. Those that served immediately under him, were, 3000 Foot, and 600 Horse: His Office or Court was thus;

A Principal, or Master of the Office, out of the Office of the Generals, or Master of the Horse and Foot alternately every other year; two *Commentariensis*, or Goaler, out of those Offices alternately also; two *Numerarii*, or Accountants, out of each Office one; an Adjutor, *Subadjuvus*, *Exceptores*, *Singulares*, and other Officers explained before at the beginning of this History, in the Office of the Vicar of Britain: The *Cornicularius*, and *Regerendarius*, which other Counts had, are wanting here; which *Panciro* imputes to the negligence of the Transcriber of the *Breviary*.

(a) So called, because they always accompanied, and were present with the Emperor: there was one of the Foot, and another of the Horse in the West, and the like in the East: They had all Authority given them over the Soldiers, and were erected (as Zosimus reports) by Constantine, to diminish the power of the *Prætorian Praefects*, who, at this time, only heard and determin'd the Civil and Criminal Causes of the Provincials.

Alciat. Tom. 1. 482, 483, 485, 486, &c. Pererg. lib. 5. c. 13. Tacit. lib. 1. ann. fol. 12.

In Augusto. c. 29. Ibid. c. ult. toward the end.

Not. Imp. occid. c. 73. 162.

Comes Britannie, what he was. a.

His Ensignes. Ibid.

His Court or Office. Ibid.

Not. Imp. or c. 30. Master of the Horse and Foot Præfectorial, why so called. lib. 2. 64, 688.

libd. c. 72.
Count of the
Saxon-Shore.
h.
His Ensignes.

There was also *Comes littoris*, or *limitis* ^b *Saxonici per Britanniam*, a Count of the ^b *Saxon-Shore* throughout *Britain*; his *Ensignes* were, Nine *Maritime Towns* placed on the Form of the *Island*, and the Soldiers in Garrison were about 2200 Foot, and 200 Horse, expressed as followeth;

lib. 17. c. 7.

Under the Disposition or Command of the Remarkable Person, the Count of the *Saxon-Shore* through *Britain*, by *Marcellinus*, called, *Comes Tractus Maritimi*, or Count of the Sea-Coast.

c.
What Soldiers
and Garrisons
under his Com-
mand.

d.
Camden in
the several
Counties.

c.
f.

1. *Præpositus Numeri* ^c *fortensium Othonæ*.

The Captain, or Provost of the Cohort, or ^d Band of the ^c *Fortenses* at *Ithancester*, near *S^t Peters Chappel*, and not far from *Maldon* in *Essex*, upon the Coast, in *Dengy Hundred*.

2. *Præpositus Numeri* ^c *Twenacensium Lemanis*.

The Captain of the ^c *Turnois* at *Lime* near *Hithe* in *Kent*.

3. *Præpositus Militum* ^c *Tungricanorum Dubris*.

The Provost or Captain of the ^c *Tongrians* at *Dover*.

4. *Præpositus Equitum Dalmatarum Branodunensis, Branoduno*.

The *Brancester* Captain of the *Dalmatian Horse* at *Brancester*, a Town upon the Coast near *Burnham-Market* in *Norfolk*.

5. *Præpositus Equitum Stablefianorum Garianensis, Garianono*.

The *Yarmouth's* Captain of the ^b *Stablefian-Horse* at *Yarmouth* in *Norfolk*.

6. *Tribunus Cohortis Primæ Vetsiorum, forte* ^h *Vetustiorum, Regulbio*.

The *Tribune* of the First Cohort of the ^h *Vetustians* at *Regulver*, a Town of *Kent*, upon the Northern Coast, in the *Lathe* of *S^t Augustine's*.

Dominion of
the Sea, c. 5. 6.
7. which see.
Two Navies
appointed by
Augustus to
secure the Seas.
Europ. lib. 9.
94, 95.
Carausius im-
ploy'd by Dio-
clesian to secure
the Belgick
Coasts, &c.
Not. Imper. oc-
cid. c. 86. 87.
Not. Imper. oc-
cid. c. 13.
Not. Imp. occid.
c. 71.
Not. Imper. or.
c. 47.

(b) This Count Mr. Selden affirms to be an Admiral; and that by the *Saxon-Shore* is meant all the Coast from the West part of *Denmark* to the Western *Gallia*, or West part of *France*, that is, all the Coast from the River *Elbe*, to the *Goban* Promontory, now *Cape S. Mable*, or to the *Isle Heslin*. *Augustus* placed two Navies, one at *Montesino*, another at *Revenna*, for the security of the Seas under the *Roman* Power, and there were others appointed afterwards: *Carausius* was employed under *Dioclesian* to secure the *Belgie* and *Armerican* Coasts, from the *Franks* and *Saxons* that invell'd them: at *Gramona* under the Duke of the *Armerican* and *Nervican* Tract, between the Rivers *Sein* and *Louvre* in *France*, and in the *Saxon-Shore*, there was placed a *Tribune* of the First Cohort of *New Armonia*; and in *Belgie Secunda*, the Country between the *Mose* and *Seyn*, under the Duke thereof, there were *Dalmatian Horse* placed in the *Saxon-Shore*, near the Borders, and he had a Fortie's drawn in his Ensignes, supercribed, *Litus Saxonicum*. (c) So called from *Fortia*, a Town in *Asiatic Sarmatia*. (d) A Cohort was called *Numerus*; but sometimes the word *Numeri* signified any Band or Company of Soldiers. (e) From *Tourway*, now *Doornicke*, in *Gallean Flanders*, and the People thereof. (f) *Tongres*, or *Tingeren*, in *Brabant*, and the People thereof, the Inhabitants of *Liege*, *Colon*, *Fulliers*, *Limburch*, *Lutzenburgh*, &c. were all called *Tungri*. (g) They were from *Pelvisium* an Archiepiscopal City in *Argypt*, feared upon the East-Mouth of the River *Nilus*, but why so called I know not. (h) The *Petusti*, were People of the *Alpes*, and 'tis probable this Cohort consisted of them.

7. ⁱ *Præfectus*

7. ⁱ *Præfectus Legionis Secundæ Augustæ Rutupis*.
The *Præfect* of the Second August or Imperial Legion at *Rish-borow* near *Sandwich* in *Kent*.

8. *Præpositus numeri Abulcorum forsan* ^k *Abulorum Anderi-da*.
The Captain of the ^k *Abulians* at *Newenden* in *Kent*, in the *Lathe* of *Straye* near *Oxney Island*.

9. *Præpositus Numeri Exploratorum portu Adurni*.
The Captain of the Band of Scouts at *Aldrington*, now a small Village near *Shoreham* in *Sussex*.

His Office and Officers were the very same with those of the Count of *Britain*, save only he had a *Cornicularius*, explained in the Office of the *Vicar* before this *History*, and a *Regendarius*, a Master of Requests, that presented Petitions, Memorials, and Bills of Complaint, to the Chief Magistrate, Explained them, and received his Answer; so called a *Regerendo*, because he Wrote them into a Book; he was also called *Subscribendarius*, from Subscribing these Petitions, Memorials, &c. Corrected Presidents had not any Masters of Requests, or Regendaries, because they were bound to subscribe the Libels, Memorials, &c. themselves.

One *Præfecture* 1000. Six Bands 1200. Two *Squadrons*, or *Troops* of Horse 220. In all 2200 Foot, and 200 Horse.

There was likewise in this Establishment, a Duke of *Britain*, *Dux Britanniarum*, his Ensignes were 14 Towns, placed also as upon the whole *Island*, with his Book of Instructions, and Letters Patents, or Commission, as the Counts and other Dukes; his Garrisons and Officers are thus described.

1. *Præfectus Legionis Sextæ*.
The *Præfect* of the Sixth Legion; but rather of the Legion at *Sextæ*, that is, *Tork*, if it be taken for a place, as it ought to be, by the Town placed in the Ensignes, and Supercribed *Sextæ*, for the Sixth Legion was placed at *Tork*.

2. *Præfectus Equitum Dalmatarum, Præsidio*.
The *Præfect* of *Dalmatian Horse* at *Warwick*.

3. *Præfectus* ¹ *Crispianorum Equitum, Dano*.
The Captain of the ¹ *Crispian Horse* at *Doncaster* in *Yorkshire*.

4. *Præfectus Equitum Cataphractariorum Morbio*.
The Captain of the Horse Armed Cap-a-pe, or all over, at *Moresby* in *Cumberland*, near the Coast between *Egremond* and *Wirkingston*.

(1) The *Præfecture* of a Legion was at this time the Command of 1000 Foot, part of that Legion. (k) So named from *Abula*, an Episcopal City of old *Castile* in *Spain*. (l) So called from *Crispiana*, a Town in *Pannonia*.

5. *Præfectus*

i.

k.

Not. or. Imp.
c. 18.

Not. occid.
Imp. c. 72.

The Duke of
Britain.

His Garrisons
distant from
the Wall.

l.

Not. Imp. oc-
cid. c. 89.

m.

5. *Præfectus numeri Barcariorum, Tigrisensium, Arbeia*;
The Captain of ^m *Barcarians*, &c. at *Jerby* in *Cumberland*.

n.

6. *Præfectus numeri Nerviorum, Ditti*.
The Captain of the *Ditensian* ⁿ *Nervians*, at *Diganwey* in *Caernarvonshire*, near *Aberconwey*.

o.

7. *Præfectus numeri o vigilum Conangies*, or as *Alciat*, *Conangior*.

The Captain of the Watchmen in the *Baronie* of *Kendal*. I rather think, according to the Import of their Name and Office, that *Conangies* was somewhere nearer the Wall, and perhaps on the North-side of it, some place not yet made out.

8. *Præfectus numeri Exploratorum Lavatru*.

The Captain of the Scouts at *Bowes* in *Stanemore* in *Richmondshire*, in the North-Riding of *Yorkshire*, not far from *Barnards-Castle* in the *Bishoprick* of *Durham*.

p.

9. *Præfectus numeri directorum, alias Durocorum, aut Durocorum veterum, aliter vertes, vel Vertere*, as 'tis noted over the Town in the *Dukes Ensignes*.

The Captain of the Band of ^p *Durocts*, or *Durocorts*, at *Bargh-Castle* in *Stanemore* in *Westmoreland*.

q.

10. *Præfectus numeri Defensorum Braboniac*.

The Captain of the Band of ^q *Defenders* at *Brougham* in *Westmoreland*.

11. *Præfectus numeri Solensum, Maglovæ*.

The Captain of the ^s *Solenses* at *Macenith* in *Montgomery-Shire*, there placed to keep under the *Montanofe* People.

If they were Spanish People they were from Braga, an Archiepiscopal City now in Portugal; but Antiently in Spain; by the Romans called Bracara, and the Inhabitants of that and the Country belonging to it Bracarii. See Ferrar. Lex Geogra. lall. Edit. 2. Town, of the Greek Canon Oxon. 1672. The Watchmen in Rome why first instituted. Defenders, what they might be.

(m) *Pancrol* conjectureth, they were *Bracarii*, a People of Spain; but perhaps he might have guessed nearer, if he had said they had been Shipwrights, for such an one *Bracarii* signifies, and might be a Barbarous word Latinized, and introduced into the Provincial Latin (as there were many at this time) from *Barea*, a Bark, or small Ship; and having been brought hither from the parts of the River *Tigris* in *Asia*, might be called *Bracarii Tigrisenses*. To make this conjecture more probable, the Romans always had Artificers of all sorts in their Armies, ranged in whole *Cohorts*, and perhaps *Legions*; and these Shipwrights might be more useful here than in other parts, seeing *Jerby* is seated upon the River *Eln* (which then might be considerable) not far from the Sea, and that the Saxons sometimes, but the *Picts* and *Sons* out of *Ireland*, mostly and chiefly made their Invasions upon this Coast, so that they might at this time be employed here in Building, and managing out small Ships or Vessels to oppose them; or from *Barea*, a Country or Province in *Africa*, and in *Barbary* near the Mediterranean, so called from that Chief City thereof: *Bevetreg. Notes in Canon. Concillii Trullani*, f. 149. (n) People that inhabited *Hanah*, the Dominion of *Cambray*, *Callie Flandris*, &c. (o) These Watchmen were first instituted by *Augustus*, as a remedy against Fire, Thieves, and other Inconveniences and Mischiefs, in the great and Populous City of *Rome*, and had their several Circuits appointed for this Night-Service; they were afterwards Soldiers, and distributed into Seven *Cohorts*, from whence the name was derived unto other Soldiers abroad in the Provinces, whose Duty might be somewhat alike. (p) Part of a *Legion*, so called in *Alesia*, from *Durocorum*, *Rhemi* in *Champaigne*, so named by *Cæsar*. (q) What these were I know not, unless perhaps they might be such as were constantly in Garrison, and never Marched out upon other Service; or happily they might be part of a *Legion*, or other Body of Soldiers, called *Defensorum Legis*, &c. (which I no where find) so named at first for defending the Borders of the Empire, which though removed from that particular service, yet they might retain the name afterwards. * So called from *Solo*, a City of *Cilicia*.

12. *Præfectus*

12. *Præfectus numeri pacensium. Magis*.
The Captain of the ^r *Pacenses*, at Old *Radnor* in *Radnorshire*; or perhaps at *Magiovinium*, *Dunstable* in *Bedfordshire*.

13. *Præfectus numeri Longovicariorum, Longovico*.
The Captain of the *Laucastrian* Band; at *Lancaster*.

14. *Præfectus numeri Derventienfis, Derventione*.
The Captain of the *Derventienfes*, so called from the place where they lay, at *Aldby* upon the River *Derwent*, about Seven Miles from *Tork*.

These 14 Garrisons under the Duke of Britain, contained one *Legion*, then about 4000 Ten Bands or Companies, and Three Troops or Wings of Horse; in all about 6000 Foot, and 300 Horse.

The number of his Forces in these Garrisons

From one end of the Wall to the other, and on both sides of it, were also placed, under this Duke, 23 *Tribunes* and *Præfects* (whereof there were Five Wings, and one Troop of Horse) to Guard it.

1. *Tribunus Cohortis quarta Lergorum, Segeduno*.
The Tribune of the Fourth Cohort of the *Lergi* (what they were is not known) at *Segehill* in *Northumberland*.

Roman Garrisons upon the wall.

2. *Tribunus Cohortis, Cornaviorum, Ponte-Aelii*.
The Tribune of the ^t *Cornavii*, at ^t *Pont-Eland* in *Northumberland*.

f. t.

3. *Præfectus, Alaximæ Asturum, Conderco*.
The Præfect of the first ^u Wing of ^u *Æsturians* in *Spain*, at *Chester* on the Street, in the Bishoprick of *Durham*, between that Town and *Newcastle*.

u.

4. *Tribunus Cohortis prima, Frixagorum, forsan * Fraxinorum*.
The Tribune of the first Cohort of *Frixagians* (what they were is not known) but perhaps rather of ^x *Fraxinians* at *Walls-end* in *Northumberland*.

x.

(*) They had their Name from *Pax*, or *Pace* *Gulla* in *Portugal*, near *Badajoz*. (f) They inhabited *Warwick*, *Worcester*, *Stafford*, *Shrop*, and *Chester*. (s) So denominated from *M. Iulius Hadrianus* the Emperor, that built it. (u) Wings, were Squadrons or Troops of Horse, placed on the Right and Left flanks, or sides of *Legions*, or other Bodies of Horse, consisted of 56, or at Foot, as the Wings of Birds and Fowls upon their Body's, they consisted of 56, or at most 66 Horse, as *Vegetius* says; their Captains were called *Præfects*, and were the Sons of *Senators*; but this agrees not with *Pancrol's* Account, who makes these Wings at least of 100 Horse; but more of the number afterward. * *Æsturians*, or *Æsturians*; People in *Spain*, their Country *Æsturia*, Situate between *Gallaecia*, *Portugal* and *Leon*. (x) From the Town *Fraxinum*; there were two of that Name in *Spain*, according to the *Itinerary* put out by *Strabo*, and 3 of 4 of them according to *Ferrarius*, and now, in the vulgar Spanish, all called *Frijoles*.

Wings of Soldiers, what they were, and why so called. Lib. 2. c. 8. Suet. in Augusto, c. 28.

5. *Præfectus*

De M^g. Ro-
mon. lib. 1. c.
43.

Military Offi-
cers, different,
according to
different
times.

The Romans
placed their
Garrisons to-
wards the
Frontiers.

Castra Stati-
va, hiberna,
aſiva,
Gogmagog-
Hills, &c.

The Saxons
made use of the
Roman Castra,
or Fortresses.

Veget. de re
Militari, lib. 3.
c. 6.
The Roman
Way.
Ecclel. lib.
lib. 1. c. 11.
h.
i.
k.

Roman Stati-
on, What
Municipium,
What.

the other *Cohort*; were 555 Foot, and 66 Horse, a full *Legion*, which contained 10 *Cohorts*, being then 6105 Foot, and 726 Horse. *Lipſius* speaks of *Legions* and *Cohorts*, which were various in number: and as the *Legions*, *Cohorts*, *Bands*, *Wings*, &c. at different times, were various in Number, to allo it is most probable; that the Commanders of them had various Names, although they had the same Command, such as are here expressed, *Tribune*, *Prefect*, *Provost*, &c. More to this purpose may be read in *Leo's Tactics*, p. 4; &c.

It was usual, and always done by the *Romans*, to place their *Garrisons*, and make their Soldiers *Quarters* towards the *Limits* and out-
most bounds of their *Provinces*, and fix their *Colonies* in the more in-
ward parts of their *Conquests*, as well to cultivate the People, as to
over-awe and keep them in Subjection, for they were all places of
Force and *Strength*, though less exercised in War than those in the
Frontiers and *Borders*. So we see it was here in *England*, there were
Guards and *Garrisons* on the *limits* next *Scotland* chiefly, and on the
Sea-coasts; not but they had also here their *Castra Stativa*, *hiberna*,
and *aſiva*, their constant and fixed Camps in the *Fields*; their *Winter*
and *Summer Camps*. Such were the *Fortresses* upon *Gogmagog Hills*
near *Cambridge*, being 1000 Paces about on the out-side, encompass-
ed with a *Double-Ditch*, and two high *Banks*. That before and on
the North-side the *Crown-Inn* in *Essex*, where, on the
right hand, in the *Bottom*, going up the *Hill*, from *Cambridge*, or
Born-Bridge, toward the *Inn* which stands upon *London-Road*, is
yet to be seen the *Foundation* of a *Foot-Bridge* over the *Trench*, to-
ward *Icelston*, (or *Old-Icelandum*) made of *Roman-Brick* and *Mor-
tar*; and as I received it from that Learned and Worthy Person
Sir *Thomas Darrel* of *Castle-Camps*, and sometimes of *Hickſon*, near
the place, he had seen some of *Antoninus Pius* his *Roman Coy*, which
was found, and Plowed up within the *Trench*. One there is upon
the *Hill* opposite to *Andley-Inn-Houſe*, on the West-side of it; ano-
ther, at *Little-Bury* near adjoining, from whence the Name of the
Village, it lies behind the *Church* near to the *Riverlet*; another in
Wiltſhire opposite to the *Town* or *Village*, *Wily*, called *Tanesbury*;
another in *Dorſetſhire* near *Manckton*, and not many Miles from
Dorcheſter, and in other parts of the Nation; by these they kept in
subjection the *Natives* and *Mediterranean* People, though they did
not fill their *Colonies* with *Soldiers*; Several of these *Castra* were used
by the *Saxons* for the same purpose, when the *Romans* left the Nation,
and some of them were by them called *Cheſters*, or *Caſtres*, and have
those Names at this day.

The *Romans*, for the greater Convenience of Passage from *Gari-
ſon* to *Station*, *Station* to *Station*, *Colony* to *Colony*, and
from one *Municipium* or *Corporation* to another, had their Pub-
lick Ways, called the *Consular*, *Prætorian*, *Kings*, and *Military Ways*,
&c. by *Bede*, and the *Moderns*, *Strates*, or *Streets*. There were in

(b) Stations were their *Winter-Camps*, *Fortresses*, and perhaps *Garrisons*; hence the Pa-
sages from one to another were called *Military-ways*, or *Soldiers ways*. (i) *Colonia*
& *Municipium* were often changed one into another, and these words used promiscuously
sometimes for the same places. (k) A *City* or *Town* having the same Privileges that
Rome had, or rather according to *Modern* acceptation, a *City* or *Town*, having its own
proper and special Officers, Laws, and Privileges.

England

England Four of chiefest note, ¹ *Watling-street*, ^m *Ikenild-street*,
ⁿ *Ermin-street*, and ^o the *Fosse-way*; two whereof were extended
cross the Breadth of the Kingdom, the other through the
length of it. These were made by the *Soldiers* and *People* under
the excellent Discipline of the *Romans*, and other great and magni-
ficent Works performed, as well to prevent the mischief arising
from Idleness, as for their own convenience, but not without the
very hard labor of the *Provincials*, as the *Britains* grievously com-
plained, that the *Romans* wore out, and consumed their Bodies and
Hands in clearing the Woods, and making Ways over the Fens and
Bogs, with 1000 Stripes and Reproaches. The vast Charge and
Labor in making these Ways, may be collected from the carriage
of Gravel, Sand, and Stones many Miles, where the Soil it self afford-
ed no such Materials; as in most, or a great part of that Gravel
Cause-way, which extendeth it self from *Dewer* near *Downham-*
Market in *Norfolk*, over the *Fens* to *Peterborough*, 24 Miles in
length, about 3 foot thick, and 60 foot broad, but that there were
many more then these Four Famed Ways, and that from *Garrison*
to *Garrison*, *Station* to *Station*, *Colony* to *Colony*, &c. That part
of the Itinerary which relates to *Britain*, is a sufficient Argument,
where there are described 16 several Journeys in several Traverses
and Turnings up and down the Country, where these ways went
not; yet 'tis not unlikely, that whereforever these ways have ap-
peared, or howsoever they have been described, they might be
branches of, and terminate in the Great Ways: Upon these ways

(1) *Via Watlingiana*, from I know not what Wells, or Weble, or from *Pitellam*, if it could
be made out; in *Saxon*, *Watelinga-freate*, from the word *Strete* common to all ways;
and the *Saxon* *Wealle* signifying a Beggar, or poor Man, as *Sommer* guesseth, because it
might be frequented by such; or because (having the Kings Peace, as all the others
had) it became a free and secure passage both to Poor and Rich: it was also called
Werlan-freate (because it went thorough, or passed near *Peruam*, or *St. Albans*) high
Dike, high-Ridge, Forty foot, or Ridge-way, by those that live near it: Some Authors
affirm this Street to have gone from *Dover*, by, or through *London* to *Wescheſter*, others
to *Cardigan* in *Wales*. (m) *Via Icenorum*, so called, because it passed thorough, or led
from the *Icenians*, according to the common opinion: but if it went from *Tinnmou* to
Southampton, thorough *Yorkſhire*, *Darbyſhire*, *Leiceſterſhire*, *Warwickſhire*, *Glouceſterſhire*,
Oxfordſhire, and so directly to *Wincheſter* and *Southampton*, as the Learned *Dugdale* hath
described it, or from *Tinnmou* to *St. Davids*, as *Lambard*, it could not then come near
the *Icen*, nor by consequence have its name from them; but if it went cross the Nation,
from East to West, as the Arch-Deacon of *Huntington* affirms, it might then either be-
gin or end there; or if *Iken* in the *British* Tongue signifies an Elbowe, or Angle (as I
have ſome where read) and that this Street should have made many Angles, by turning
up and down the Country, it might then have received its name from thence. (n) *Er-
minſtreet*, perhaps for *Hermen-street*, from *Hermes*, or *Mercury*, whose *Statua*, raised up-
on a Pillar, the *Saxons* worshipped, which might be placed upon this way, or *Er-
mund-street*, from *Er*, and that from *Apus*, *Mars*; *Mund* in *Saxon*, *Safety*, or *Defence*,
and *strete*, as much as to say the *Martial*, or *Mars*, his free and safe Street; or lastly, as
Sommer guesseth, it may more truly be Written, *Herman-street*, that is, the *Military*, or
Soldiers way, which went from *Southampton* to *St. Davids* in *West-Wales*, as some affirm, or
as others, to *Carlisle* in the North. (o) *Fosse-way*, from *Fosse* a *Ditch*, because it was
Ditched on both sides; this way passed from *Tones*, a Cape in *Cornwall*, to *Caſheſ* in
Scotland, as *Lambard* saith; or as others, from the furthest part of *Cornwall* thorough
Devonſhire, *Somersetſhire*, *Wiltſhire*, *Warwickſhire*, to *Cowenry*, from thence to *Leiceſter*,
and *Lincoln*, where it ended; or thence, according to others, to *York*, &c. The Tracks
of these Four Ways, are, and have been, for many Ages, very obscure, and Authors io
very much differ about them, and I believe it is not yet sufficiently cleared, where any
one of them distinctly went, or thorough what parts of the Kingdom; and there being
very many more *Military Ways*, they who sought after them, might hit sometimes upon
one, sometimes upon another; they had belonging to them, very considerable Immuni-
ties and Privileges; amongst others, the King's Peace was granted upon them. That is,
Security of Life and Goods; and upon these Ways, the Persons of all Men, in all Cases,
were free from Arrest, and their Goods from Distress.

H

were

Book II.
Part I.

Lamb. II. Ed.
Conſell. c. 12.

l.

m.

n.

o.

Four of them
of most Note.
How made.
Tact. in vita.
Agric. c. 31.

Dugd. Hiſt. of
drayning, fol.
157. a.
The Cause way
through the
Fens.

Watling-
street.

Itu Diſtina-
riu.

Camb. Brit.
45.

Ikenild-street.

Warwickſh.
Antiquities, fol.
666.
Peramb. Kent.
268.

Ermin street.
Spec. Gloſſar.
319.

Fosse-way.
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168.

Lambard II.
Ed. Conſell. c.
12.
The Privi-
ledges of the
Four great
Ways.

Book II.
Part I.

were placed *Mansions*, where Strangers stayed and rested themselves, there being Inns for their Reception and Entertainment, and Mutations, where they changed their Post-horses, Waggon and Chariots; where there was only Provision for Horses, and Carriages, and not for Men.

Roma Illustrata, 139. 140.
The Soldiers Burthen when they Marched.

They March out of their Camp Thrice in a Month. They were Exercised Twice in a Day.

Their Works were so stupendious, that in these latter Ages they exceed the Belief of Human Performance, and are esteemed impossible to have been done by Men. But whosoever considers what Burthens the Common Soldiers carried in their ordinary Marches, as a Months Provision of Diet, a Spear, Shield, and Helmet, their Utensils for sudden Intrenching, and Incamping, a Saw, Basket, Spade, Hatcher, and other Instruments, besides several Stakes sharpened at one end, a Thong also and Chain for the Binding of their Captives; will not much wonder, that Men, accustomed to such hardships, should out-do the Labors of other Men. And lest they might prove lazy, and lose their vigor by lying still, especially from their Winter-Camps, they were commanded to March out thrice in a Month Ten Miles, and back again, furnished with all their Arms and Utensils, as if they were upon an Expedition. Besides this, the Raw Soldiers were Exercised Twice every Day, and the *Veterans* once. He that hath a Mind to Wonder at the Prodigiousness of the Works of *Rome*, which were also in many of their Greater Towns and Colonies, let him Read *Lipsius* his Third Book, *De Magnitudine Romand*, where he may lose himself in Admiration.

The

THE FIRST PART OF THE Saxon History.

Book II.



N Exact History of the Actions of the Saxons cannot be expected, where there is such want of good Authors, especially for some considerable time after their arrival here. *Gildas* confesseth he Wrote his *Epistle* from the Information he had out of Foreign Writers, and not from any *Chronicle* or *Annals* he had seen left by any *Historian* of his own Country, which (if any such were) had been either burnt, or carried beyond the Seas, by such as fled thither.

Bede, with some Additions of his own, followed *Gildas* and *Ethelward*, and most others *Bede*; and the old imperfect *Chronicle* printed with him: Indeed, whosoever considers the continual Wars in this Nation, the Barbarity of the Saxons, the Desolation they every where made, and the Persecution they raised against Religion, and Religious Men, their cruelty in putting to death Priests, Monks and Friars, of all Orders: Their Burning, Destroying, and Raising of Monasteries, where most of the Learning of that Age was then Cloystered, and the most considerable Memoires of things preserv'd, cannot, in reason, hope for a very particular and just account of what was done here for several Centuries of years (especially in Ecclesiastick Matters) before the coming of *Augustin*, they being wholly confin'd to the Descriptions of the Customs of some particular places, and the Lives and Actions of particular Persons, and those so blended with the Fabulous Hyperbolies, and Metaphors of Ignorant Writers (such as the Age they lived in afforded) that the brightest Rays of Truth, could scarce penetrate and appear through those thick clouds of darkness, and Ignorance.

H 2

There

Book II.
Part I.Chap. 2. p. 8.
Gildas Wrote from the Information of Foreign Authors.

Learning most in Monasteries.

Anno Domini 598. or thereabouts.

Book II.
Part I.

In his Prologue
to his Gellare-
gum.
Malmesbury
fajr. fol. 105.
b. n. 30.
There were
none after
Bede to the
Normans that
had any care
to write the
History to
those times.

There are hints to this purpose in *William of Malmesbury*, and others of good note: Yet I could not be satisfied but that I must make a re-search into what Authors I could, both *Printed and Manuscripts*, that I might make Publick an *Authenticke* and well-grounded History of these Times. But failing in my expectation, I resolv'd to be very short, as having no where found a sufficient Warrant to Write much, notwithstanding all my Pains and Industry.

I have omitted all the particular Accounts of the Foundation of *Monasteries*, their Burnings, Ruins, and Desolations in these times, with the *Legends* and *Fables* relating thereto; As also those of particular *Christians* and *Saints*, for which, they that please, may peruse the several Parts of the *Monasticon* of the Laborious and Learned Sir *William Dugdale*; the several *Martyrologists*, *Menologists*, and *Biographers* of those times, where they may have a sufficient variety of these things; and have noted only such things as are pertinent to the Design of this History, and that have an Appearance of Truth: Yet if any Man be doubtful, let him give, or suspend his Assent and Belief, as he likes the probability of the Matter of Fact, and the *Author* which I have every where cited.

For I doubt not but in many things, and oft-times, the *Monks* wrote according to the *Vulgar Tales* and *Traditions* of the People, adding something of their own Fancies and Conjectures, by way of Increment, or Paraphrase, and the latter always followed the former. As *William of Malmesbury* traced *Eadmer*, *Hoveden* follows *Huntington*, and he *Florence of Worcester*, and him *Simon Dunelmensis*, *Mat. Paris* Transcribed *Roger Wendover*, &c.

The strange Intricacies in the *Chronology* of this Age are also to be noted, sometimes going backward, and sometimes forward, or making report of things done without any certainty of time.

These things I have Premised, to save others the *Labor* and trouble I have been at; for, upon Tryal, they will be as much deceived in their Satisfaction, as I was my self.

So that for the *Laws*, *Customs*, and *Usages* of the *Saxons* and *German* People that came hither with them, we must look further then our own *Historians*, or rest satisfied with a very ordinary, pitiful, and lame Account of them: Nor can we in the more early times find much of the *Saxons*, or any other particular People, but as they passed under the general Names of *Cimbbers*, *Celts*, *Germans*, &c.

Tacitus, his Book *De moribus Germanorum*, mentions not the *Saxons*, and what Name they had, or what People they were in his time among the *Germans*, I leave to the conjectures of *Crantius* [1.] *Cisner* [2.] *Cluverius* [3.] and others, as not being much to our purpose to know it; for it was usual with those People to change their Names, almost as often as they did their Countries, driving one another from their Seats, the weakest either yielding to, or being removed

See Ulfers
Primord. p.
394.
For the usages
of the Saxons,
we must look
further then
our own histo-
rians,
Cimbbers,
Celts, Ger-
mans.
The Saxons not
named in Tac-
tus.
[1.] In pre-
fat. ad Hist.
Saxon.
[2.] In Pref.
ad Crantium.
[3.] In Ant.
Germ. fol. 588.

Book II
Part I.

removed by the Power of the strongest; and sometimes when many small Nations put themselves under the Patronage and Protection of greater, and became their *Clients*, they became also one Body of People, and were afterwards better known by the Names of their *Patrons*, then their own.

Tacitus Secundo Annalium, cap. 44, 45. where the *Semnon*es and *Longobardi* are accounted *Svevisb Nations*; and *de Moribus Germ.* c. 38, 39. where, though the *Semnon*es are said to have inhabited an 100 *Pagi*, or *smaller Territories*, yet they were esteemed but the chief of the *Svevians*. More to this purpose may be seen in *Lazius de transmigratione Gentium*, *Cluverius lib. 3. Ant. Germ. cap. 25* and 27. and in Learned *Sheringham*, *de Angl. Gent. orig. cap. 3. n. i.*

Though *Tacitus*, who lived about the beginning of [4.] *Trajan* the *Emperor*, names not the *Saxons*, yet *Strabon* the *Geographer*, within less then 40 years after, who [5.] flourished in the Reign of *Hadrian* and *Antoninus Pius*, expressly mentions them, their *Seat* and *Country*.

When *Tacitus* Wrote, both *German Men* and *Women* were *Illiterate*; [6.] *Literarum Secreta ignorabant*; and therefore 'tis more than probable they had no *Written Laws*, but lived, and regulated themselves by their *Customs*, which the same *Author* in this Chapter says were of more Authority with them, then good *Laws* in other places. Some they then had, not much unlike some of our *Customs* and *Laws* in the *Saxons* time here in *England*, and probably were but a continuation of their usages in *Germany*: Treason and great offences, *Soelera & flagitia* (to which our word *Felony* answers) *ibid. c. 12.* were punish'd by Hanging the Offenders upon Trees, or Drowning them. The same Punishments we have mentioned in our *Antient Charters* and *Laws*, *Furca* and *Fossa*, *Pit* and *Gallows*, Hanging and Drowning; for Crimes that deserved either, were [7.] practis'd here in the *Saxon*, and after in the *Norman* times, and with the *Scots* more lately, and perhaps at this day. [8.] *Delicta*, or lesser offences, they punished by Fining the Delinquent in a certain Number of *Horfes* or *Cattle*. [9.] (which then was their *Wealth*) for *Gold* and *Silver* they had none. [1.] part of which *Mulct* belonged to the *King*, where there was one, or to the *Nation* where there was none, and [2.] part was paid to the *Injured Person*, or his *Relations*.

This practice often occurs in our *Saxon Laws*; again, [3.] *Homicide* and *Murder* were *Penal Punishments*, by a certain number of *Beasts*, and *Cattle*, and the whole Family received satisfaction. Nothing more frequent in our *Saxon Laws* then *Pecuniary Mulcts* for *Murder*, and a * giving or division of it to some of, and amongst the *Murder'd Persons Relations*.

Hæredes successoresque sui, &c. every Mans necessary heirs were his Children, they had no testamentary heirs, if there were no Children, then the next of the *Kindred*, *Brothers*, *Uncle* by the *Father*, and *Uncle* by the *Mother* succeeded; This Succession and Inheritance seems not to have been of *Lands*, but *Goods*; unless it was in such

[4.] An. Dom.
100. Cluver.
ibid. fol. 3.
Ferrar. Lexi-
con.
[5.] Geogra.
fol. 357.
Edit. Paris.
The Germans
Illustrate.
[6.] Tacit. de
Morib. Germ.
cap. 19.
They were Go-
vern'd by Cu-
stomes.
Plus boni im-
res ibi valent
quam alibi
bonæ leges.
Many Customs
in the Saxon
times the same
with the Ger-
man Customs.
Hanging and
Drowning for
great Crimes.
Dugd. Origin.
[7.] Jurid. cap.
21.
Leg. Inx. d. 13.
[8.] Tacit. ut
supra.
Fines and
Mulcts for
small Offences.
[9.] *ibid.* c. 5.
[1.] *ibid.* c. 1.
[2.] Part paid to
the King, part
to the Injur'd
Person, or his
Relations.
[3.] *ibid.*
[4.] *ibid.* c. 1.
[5.] The same Pu-
nishments and
Mulcts in our
Saxon Times
and Laws.
Murder pun-
ished by Pe-
cuniary Mulct.
* S. L. Inx.
d. 13. n. 1.
Inheritance and
Succession.

Book II.
Part I.[1.] *Ibid.* c. 2. 6.
Their Property
was only An-
nual.

a share and portion of *Land*, which of right was annually set out to the Predecessor, for they had no fixt Estates. [4.] Their Lands were used and manured of every one by turns, according to the number of his Husband or Plowmen, which they quickly divided amongst themselves, according to their *Dignity* or *Eminency*. The largeness of their Fields made the partition easy. They every Year changed their Arable Lands, and one Field lay fallow.

[5.] Com-
ment. c. 6. p.
224, 225.
The Germans
lived upon
Milk, Cheese
and Flesh.
They lived to-
gether in
Tribes or Kin-
dreds.

Cæsar more clearly delivers this *Custom* of Land-shifting, which originally was commune to most Nations; speaking of the *Germans*, [5.] He saith, *Agriculture* they minded not, further then to serve their own necessities, and the greatest part of their Food was Milk, Cheese, and Flesh; nor had any one any certain Land of his own, contained within certain Bounds and Limits; but their *Magistrates*, *Princes*, or *Chiefs*, appointed to their several *Tribes*, *Families*, or *Kindreds* (who always lived together) as much Land, and in what place they thought good; and the next Year force them out of it.

[6.] Tacit. de
mor. Germ. c.
16.
They had no Ci-
ties.
Their Houses
poor Sheds, or
Cotes, &c.
[7.] Herodot-
us, in Maxi-
min. lib. 7.
fol. 147.
Steph. Ed.

[6.] *Cities* the *Germans* had none, they placed themselves where *Rivers*, or *Brooks*, *Fields* and *Woods* offered most conveniency, per *Vicos*, as it were in *Streets*, not according to the manner of the *Romans*, with their Houses joyned together, but severed one from another, and compassed about with a space of Ground. Their Houses were poor Sheds or Cotes, and the [7.] Materials of them Wood, Branches of Trees, Culm or Stubble.

[8.] Tacitus
ut supra, c. 11.
They assembled
on set days,
either in the
Full, or New
of the Moon.
The Priests
were Chieft-
men in their
Assemblies, and
had a Coercive
Right.
Their manner
of Approbation
or dislike in
their Assem-
blies.

[8.] They Assembled upon set days, either in the New or Full of the *Moon*, unless some Fortuitous or sudden thing happened. They sat Armed in these Assemblies, and took their Places as it pleased the Multitude. Silence was enjoined by the Priests, who were Chair-Men here, and had a coercive right. If what was by any one propounded in these Conventions, was not Allowed by them, they shewed their Dislike, and despised it by *Morosity* and Roaring Out-Cries; But if it pleased them, they clashed and rattled together their *Spears* and *Pikes*.

[9.] *Ibid.* c. 12.
Vicus, What,
and whence
derived.
Via, whence
derived.
Vici Majores,
became Burghs,
great Towns,
and Cities.
Vicinus,
whence derived

[9.] In these Assemblies, the *Chiefs*, *Princes*, or *Governors* were

(a) *Vicus à Via*; It being nothing else but two Rows of Houses, with a Way between them; and *via à verba*, because their Carriages were brought out of the Fields, and from other-where upon this Way; and from *vehila*, *villus*, *Vicus* now signifies a Town, and was antiently a Collection, or conjunction of many *Villa's*, or *Farm Houses* in Rows. These *Vici* had sometimes Cross and Oblique Streets, whence probably the *Vici Majores*, which afterward became *Burghs*, and places of note, or *Oppida Majora*, and *Cities*, from *vicus comes*, *vicinus*, *Nigh-burgh*; or as we Write it, Neighbour.

chosen

chosen, which declared *Law* and *Right* in every *Pagus* or *Vicus*, that is *Country* or *Territory*, *Shire*, *Streets*, or *Villages*. Every one of these *Princes* had a Hundred of the common * people their *Assessors*, from whom they had Advice and Authority, which were called *Comites*. From this declaring *Law* in *Vicissse's*, or small places, came our *Courts*, or small *Towns*, *Court-Barons*, *Leets*, and *Mannors*.

[3.] There are yet in some parts of *Germany*, as in the *Palatinate*, *Franconia*, &c. Courts Criminal, which are called *Zentgericht*, or *Hundred right*, or *Court*, and the Presidents of them *Zent-graffen*, or *Zent-greven*, the *Hundredary*, or Judge of the *Hundred*; and the Assessors *Zent-Schoppen*, or *Zent-Schappen*; which most antient Institution of the *Germans*, had its Name from the Number of Assessors. And from thence also we derive our *Hundred Courts* in *England*, where antiently there was a particular Person called the *Centenarius*, or *Hundredarius*, who was Judge, and all the best and Chief Men of the *Country*, *Suitors*, *Assessors*, or *Jurors*; where also the *Bishops* often sat with the *Hundredarie*.

(b) These *Pagi*, which at this day the *French* call [1.] *Pays*, and the *German*, *Gows*, or *Gaus*, *Choues*, or *Chanes*, were of three sorts; greater, lesser, and very small ones: the greater, *Pagi*, *Pay's*, *Gows*, or *Gauers*, were the same with [2.] *Civitates*, or the whole Nation of that denomination; as *Pagus Parisiacus*, *Senonicus Pagus*, &c. *Pays de Normandie*, &c. The lesser were commonly some parts of the greater, as *Francia la France*, or the Isle of *France*, and le *Parisis*, part of the Antient *Pagus Parisiacus*; and those *Pays*, or *Pagi* of smaller note in the same Territory, or greater *Pagus*, are *Pagus Focacensis vel Haverfensis*; *Lejus*, or *la Huerfols*, and *Pagus Calfrensis*, which took their Names from small and obscure places. *Pagus Senonicus*, or *Le Senonico*, beside some of better note, contained the *Pagi*; also *Wassienfis*, *Melodunensis*, and *Stampensis*, le *Gastinois*, *Melunet*, and *Stampois*. In *Normandy* the lesser *Pagi*, or Territories were *Pagus Calotius*, *Le pays de caux*, *pagus Constantinus*, le *contentin*, *pagus Balocassinus*, le *Bessin*, &c. The smallest *pagi*, *Oximensis*, le *pays de Heilmou*, *Holmetius*, *pagus le pays du Houme*, &c. le *pays Houinet*, de *locus inter Morinorum pagos*, who were seated in part of *Flanders*, in part of *Picardy*, and part of the adjoining Countries, were *Pagus Tervanensis*, and a portion of that *pagy*, *Tervensis*, from the little River *Teru*; also *pagus Geforiacus* le *Boulonnais*, *pagus Gisenfis*, le *comte de Guines*, and *Ager*, or *pagus Augestis*, la *Terra de Oye*, so named from *Aue*, a small obscure Town upon the Coast.

Helvetia was divided into four *Pagos*, *Regions*, *Countries*, or *Gauers*. 1. *Zurich-Gowe*, *Pagus Tigurinus*, the *Region* or *Country* about *Zurich*. 2. *Wistlburger-Gowe*, *pagus Aventinus*, the *Country* or *Territory* about *Wistlburg*. *Argow*, the *Country* about the River *Aar*. *Turgow*, *pagus Turesis*, the *Country* lying about the River *Thur*. And these again were subdivided into many *Presulures*, and *Gauers*, or *Pagi*, whereof *Zurich-Gowe* into Nine Great ones, and Twenty Two small ones; And *Wistlburger-Gowe*, or *pagus Aventinus* into thirty one *German*, and Eight *French Presulures*, or *Governments*. Besides these, there are *pagus Brisacensis*, *pagus Singintensis*, *Brilgow* and *Sungow*, *pagus Mosanus*, *Mosgaw*, or now *Majeland*, *pagus Mosellanus*, *Moselgawe*, from the great Rivers *Maas*, and *Mosell*, and from *Saravus*, or *Sara*, the River *Sar*, which parts *Lorraine* and *Alsace*, and falls into the *Mosell*, *pagus Saravensis*, *Sarebonus*, or *Sargone*, also from the small River *Nide*, that falls into the *Sar*; *pagus Nitenfis*, *Nita-chouus*, *Nitegow*, and *Hundreds*, more great and small, throughout the *Countries* of *Upper* and *Lower Germany* and *Gallia*; as may appear to any one that will be further satisfied, in *Valefius* his *Notitia Gallia*, and *Blaua Tabula*, or *Maps* of *France* and *Germany*, Vol. 1. 2.

In the *Antiquities* of the *Abby of Fulda* upon the River *Fulda*, in *Franconia*, there are many Donations of Lands in *Pago Tullfeld*, in *Villa Sundheim* f. 848. A.D. 858. in *villa que vocatur Hoflein*, in *pago Grasfeld* in *Comitatu Krifant comitis*; and in another place he names Fifteen *Villages*, or *Towns* in *pago Grasfeld* in *comitatu comitis*, who was Commander of that place, fol. 510. *An. Dom.* 174. To the Tradition or Donation his testibus; *Signum Krifant comitis*, &c. yet about this time they used the words *pago*, *regis*, and *provincia* promiscuously; and in the same Leaf, are to be found in *pago Grasfeld*, in *Regione Grasfeld*, and in *provincia Grasfeld*, for the same place, fol. 564. *An. Dom.* 863. and the same of *Tullfeld* and others, fol. 563. We may conjecture these greater, lesser, and smaller *pagi*, *Regiones*, or *Territories*, to have been like our *Countries* and *Shires*, or *Latbs*, *Trithings*, *Trithings*, or *Ridings*, which antiently contained several Hundreds in, or a third part of a *County* or *Shire*, and our *Hundreds*. * The *Plebs* here were *Military* Men, not *Rusticks*, but such as went to War with the Prince.

Book II.
Part I.

b. Principles, or Governor, declare Law and Right in every Pagus, or Country, or Territory. Centeni ex Plebe Comitibus. Court-Barons, Leets, Mannors. [3.] Not Vari- riorum on that place. Hundreds Courts in Germany.

[1.] Vales in Prefat. ad notit. Gal. fol. 9. What Pagi were, and are. [2.] Ibidem. What the Great Pagi.

The Lesser Pagi. The Smallest Pagi.

These Pagi like our Counties, Ridings, Latbs, and Hundreds.

[4.] But

Book II.
Part I.[3.] Tacitus
ut supra, c. 13.
Comites.Antequam ci-
vitas eleva-
verit.
The Origin of
Knighthood.[5.] *Widem.*
The Prince
and his follow-
ers ought to be
of equal Cou-
rage; it was
infamous to
out-live him in
Battle: The
Oath of the
Comites.
* *Ibidem.*
who all served
on horseback.
[6.] *Cæsar.*
Com. 6, p.
126.
The's allowed.
[7.] Tacitus
ut supra, c. 14.[8.] *Ibid.* c. 15.
The Princes
received Cat-
tle and Corn
for the support
of their own
people, &c.[9.] Not. in
Cædinus, p.
188.Comites were
all Equites.
[1.] Tacitus
ut supra, c. 6.
The Foot how
raised.[1.] *Ibidem.*

[4.] But besides these, there were *Comites* always about the Person of the Prince. There was difference amongst the followers of Princes, according to the Judgment and Appointment of him they followed. There was great emulation amongst these *Comites*, who should be Favorites, and among the *Princes*, who should have most and stoutest of them. This was their Honor, this their Strength, to be incircled with a Multitude of choice young Men, an Ornament in Peace, a Guard in War; yet none might take *Armes* before he was approved by the Nation. Then in the very Council, or Assembly, some of the *Princes*, or his Father, or some of his Kindred, adorned him with a Sword and Spear. This was the first honor of their Youth, before they were only part of the Family, now of the Commonwealth; *High Nobility*, and great Merit of their Fathers, gave their Sons, though but young, the Title of *Princes*: [5.] It was dishonorable for the Prince to be overcome, and as dishonorable for his followers not to equal his courage; they were infamous ever after, that returned alive from Battle, where their *Princes* were slain, it being the chiefest part of their Oath to preserve, defend, and make him Glorious * They received from him a Horse fit for War, a Bloody and Conquering Spear; the Reward for their Service was Meat and Drink, and Large, though Rude entertainment, instead of pay or stipend: And when from the Princes Munificence, they received a Boon, it was of things obtained by War and Rapine. [6.] Theft not being infamous out of the bounds of their own Nation, and was allowed for the exercising and exciting the courage of their youths, [7.] for without that a numerous Train of Followers was not to be maintain'd.

[8.] The *Princes*, as an *honorarie*, and for their *Sustentation*, received of every Man of the Nation a quantity of Cattel, and Corn; and from their Neighbour Nations (such 'tis supposed as were under their Protection, not their Enemies) choice Horse, Arms and Furniture. Here seems to be the beginnings of Fees, and Feudal Tenures, or Benefices; here is a necessitude between the Prince and his *Comites*, and Followers, and a Mutual Obligation; they swear to defend him, he Armes, Feeds, and Supports them; yet really, they were but little more, then meer *Comites*, according to the Notation of the words, which is derived from *cum*, and *eo* according to *Vossius*, in his *Etymologie*, and became a Name of Dignity, from accompanying the General in War; or as [9.] *Junius*, *Comes proprie est, qui cum altero est, eumque adjuvat*; he is properly a *Comes*, that accompanies another Man, is with him, and helps and assists him; but more of this Title afterward.

Those *Comites* were all *Equites*, Horsemen, chosen out of the Noble and best sort of People. The [1.] Foot were chosen out of the generality of the People, *ex omni Juventute*, a Hundred out of every *Pagus* (it must be supposed out of the lesser Regions, or *Pagi*) and he that Commanded them was called *Hundredarius*, *Centurio*, or *Centenarius*, *die hundreter*, and the *pagus Centuria*, or *die Hundreter*. [2.] *Et quod primo numerus fuit jam nomen & honor est*.

Besides

Besides these *Military*, *Noble*, or *Freemen*; there were amongst the *Germani*, *Servants*, or *Slaves*. [3.] but not like the *Roman Servants*, or *Slaves*, who were employed in Family-Drudgeries, and Services; here every one managed his own House and Family. Their Lords enjoined them to provide a certainty of Grain, Cattle, and Apparel; which the Tenant or Servant performed, and no more. There were no other then *Baurs*, *Buurs*, or *Boers*, *Plowmen*, *Colon's*, or *Rustic's*, so called then *Baurs* to Plow. And at that [4.] time *Cluverius* Wrote, he says, many of these were in little better condition then Slaves to the *German Noblemen* inhabiting near the Sea-Coasts, their Riches being valued according to the number of their *Buurs*, whose conditions and duties were also certain, and prescribed; beyond which, if the Lord commanded, the *Boer* was not bound to obey.

From these Ancient Customs of the *Germans* in general, if I mistake not, may be deduced the Grounds and Rudiments of the *Saxon Laws*, Government and Policy afterward in this Nation. Here we see their great *Counsels*, consisting of their *Printes*, *Comites*, *Priests*, and *Bladst* of the Nobility. [5.] So it was in this Nation, their division of their Countries into *pagos* and *vicos*; so in England, or New Saxony, into *Shires*, *Counties*, *Lathes*, *Tribings*, and *Hundreds*; and as they had their peculiar *Governors*, who were Judges in their *pagi* and *vici*, so we had our *Shireeves*, *Aldermen*, and *Hundredaries*, that did the like in our *Shires*, &c.

Their Laws were most Penal, and under Pecuniary Multis; so ours! Their Capital punishments Hanging and Drowning; so [6.] ours! they had a *Lineal Succession* in their Goods and Estates; so had we in *Bockland* especially, &c.

After Tacitus there are no considerable Authors, which give any account what was done in Germany for many years, and the complaints of [7.] *Lypsius*, and [8.] *Bertius* were very true, that the Writers of the Middle Age, except *Amianns Marcellinus*, were very vain and idle, mixing Truth with Falshood.

The first that names the Saxons amongst the German People, is *Claudius Ptolemaeus*, the Great Geographer, and only tells where they were Seated, as he is cited by *Cluverius*, [9.] who flourish'd in the Reign of *Hadrian*, and *Antoninus Pius*, between the Years of *Christi*, 120, and 160.

Afterward they grew Famous for Piracy, and joyning with the [1.] *Franc's*, infested the Coasts of *Belgica*, and *Armorica*, in the time of *Dioclesian*, [2.] when *Caranus*, a Famed Person for Military Exploits at Sea, undertook at *Bononia*, to secure and quiet those Coasts.

The next News we hear of the Saxons, from any Author of credit, is from [3.] *Amianns Marcellinus*, in the Empire of *Valentinian* and *Valens*, where he says, the *Saxons*, with the *Saxons* their Neighbors, attempted *Gallia*, wherever they could, by Sea and Land, Sacked and Burnt Towns, killing their Captives, and wasting the Country;

(c) *Belgica*, was contained between the Rivers, [7.] *Muse*, or *Mose*, and *Sequane*; or *Seyn*, comprehending the Coasts of *Flanders*, and *Picardy*, part of *Normandy*, &c. (d) The Coast of [7.] *Normandy*, and *Britain*, between the Rivers *Seyn* and *Loire*. (e) *Boulogne*, *Surmer*, *Osfortacum*, *Morinorum*. [8.] *Bologne* on the Coasts of *Picardy* in France.

I

and

Book II.
Part I.[3.] *Ibid.* c. 25.
The Duty of
a German Ser-
vant.
The same with
Boers.
[4.] *Antiq.*
German. fol. 10.
n. 20.Our Customs
from those of
Germany.
Their Great
Councils.[5.] *Pres.* to
the Laws.
Their Division
of their Country.
Their Judges,
and Ministers
of Justice.Their Laws
most Penal.
[6.] *Dugd.*
Origin. Jurid.
c. 31.Their Success-
ion Lineal.
[7.] *Not.* ad
lib. 1. p.[8.] *c.* 31.
lib. 1. c. 31.
Saxons first
named amongst
the German
people.[9.] *Antiq.*
German. lib. 3. c. 21.
C.
d.
C.Saxons Famous
for Piracy, to-
gether with the
Franks.[1.] *Eutrop.*
lib. 9.
[2.] *Circa*
An. Dom. 300.[3.] *Lib.* 17. c. 7.
The Saxons
and Franks at-
tempt *Gallia*.
An. Dom. 367.[4.] *Armen-*
tor. lib. 18. c. 11
[5.] *Chroni-*
con *Callidori*,
fol. 636.[6.] *Val.* re-
turn *Frankliber-*
1. fol. 47.
[7.] *Vale.* in
Not. *Galy*, in
verbo *ibidem*,
in verbo *Ac-**moria* *Belgi-*
ca & *Armor-*
ica, *where*.
[8.] *Ibidem*
in verbo *Ge-*
fortacum.

Book II.
Part I.

The Saxons and Franks invaded the British Isles.

[i.] Ann. Marcell. lib. 9. c. 7. They became dreadful for the sudden Invasions. The Count of the Saxon Shore.

The Danes and Frisians joined with the Saxons.

Saxonum gens in Oceani litoribus & paulatim Invisis tra Orosius. The Seat of the Saxons in Germany.

Almain, why so called, or rather Allmannia, Allmannic.

Ethelw. lib. 1. c. 10. S. id. Dom. Sea. 150. The Miscellaneous People of the Saxons called into England against the Picts and Scots.

and again in the third [4.] *Consulate of Valentinian and Valens, An. Dom. 370.* A great Multitude of the Saxons by Sea brake in upon the Roman Limits, and committed great slaughters upon their People. And in the Fourth *Consulate of the same Emperors, An. Dom. 373.* [5.] the Saxons collected [6.] a great force of the Germans to have invaded Gallia; And near the Rhene about 80000 of them were slain by the Direction of *Valentinian*.

Neither did they only infest the Coasts and Country of Gallia, but the *British Isles*, and wherever else they could make descents, Plunder and Wast the Country, and bring it under *Tribute*, living upon, and enriching themselves, by *Rapine and Pyrac*; [1.] being the most dreadful of any People, from their sudden Invasions; and therefore the Romans appointed an *Officer*, to drive them away, and secure the Nation from their Attempts, called the *Count of the Saxon Shore* throughout Britain, who had several Garrisons upon the Coast of this Nation, supplied with a sufficient number of Horse and Foot under his Command, for the performance of this Service, as is said before in the Roman Story.

We see here the *Franks* were joyned with the Saxons in *Rapine and Pyrac*; *Bede, fol. 58.* of his History, adds the *Jutes and Angli* to those which were invited into England; and *Selden* adds to them the *Danes and Frisians*, in his *Chronologie*, at the end of *Jannus*. And it is not to be doubted, but that under the Names of Saxons were comprehended many other People, such as would joyn with them in *Rapine*, or *Piracy*, or such as they had subdued, which by the Conquering Romans, or their Neighbour-Nations, were forced to live, for their own safety, in *Islands, Bogs, and Morasses*, upon, and near the Coasts of the German-Sea; from the River *Eydor* in *Jutland*, to the *Elv*, and from thence to the *Rhine*, According to *Ethelwerd*, an ancient and noble Saxon Writer, *lib. 1. fol. 474. a. n. 30.* and that they were possessed (before their Invasions of England and France) of all *Jutland, Holfatia, &c.* to the *Elv*, and all the Coasts from that River, to the Southermost Mouths of the *Rhene and Scheld*. *Chlervius*, in his Third Book, *Antiq. Germ. c. 21. and 23.* and *Mr. Sheringham*, in his Book *de Origine, Gent. Angl. c. 2. n. 1. and c. 3. n. 1.* do both Assert.

And these German People, coming hither under the Names only of Saxons, or at least of Saxons, Angli, and Jutes, which are only reported by our Historians to have come with them, might as well have been called *Almans*, as the collection of the several People of Gallia, whom want and poverty had made daring and courageous, which Conquered the Country in Germany, lying between the Rivers, *Rhene, Main, and Danube*, called, after their Conquest, *De Allman*, or, *Die Allemanner*, from this Miscellaneous Collection, or Convention of all sorts of People, by whom it was Conquer'd. As *Agathias*, an approved Author, that lived near the time of this Transmigration of the Galls into Germany assures us, *lib. 1.*

This Miscellaneous People, thus known to the Britains by their frequent spoyling, and harrassing of the Country near the Sea-Coasts, for many years together, were called into their Assistance against the Picts and Scots, when the Romans left this Island, and made themselves Masters of it, as is related in the ensuing History. What

Book II.
Part I.

The ancient Romans lived by Custom, rather than Written Law.

The Saxons used only their own Customs, which they brought out of Germany.

* De Weichbild. Sax. c. 37. n. 4. Laws increased with Civility.

Ethelbert King of Kent gives Laws after the Example of the Romans.

He began his Reign, A. D. 561.

Ina's Law.

What their Policy and Government was, and by what Laws and Rules they Govern'd here, comes next to be enquired into. These, as all other People, at first lived without Written Laws, and were guided by Customs and Usages only, as *Pompon. in leg. 2. d. 3. de origine juris*, speaking of the ancient Romans, says; they used rather an uncertain Law and Custom, than any that was Written; and adds, that it was to be thought the old Longobards and Saxons, as being Brothers, observed the same thing, living, in old time, by Customs, without Written Laws. Which agrees with *Tacitus*, as before cited.

But more particularly of the Saxons: after their coming hither, *Selden* asserts expressly, that they received not the *Casarean*, or any other Law, but only used their own Customs, which they brought with them out of Germany. *Dissert. ad. Eler. c. 7. p. 405.* And when any Nation or People began to be more Civilized, and to Write their Laws, they were but the Customs they had constantly used, unless the rude and barbarous Traditions and Customs of the Pagans, were by the first or ancient Christian Kings altered, or abolished. *Lindembrog. prologomen. in cod. leg. Antiquarum*, and more particularly *Gryphander*, * concerning the Saxons, from *Crant. lib. 2. c. 21.* when as by time Civility increased in the Saxon Nation, the observation of Laws also increased; Thence it was that those things, which by long use had been approved, were at length reduced into a Code or Book; which unwritten Traditions and Usages I shall not prosecute, as being the same with the Written Laws of the Germans, which are more ancient than any I find of the English Saxons in this Nation.

The first of the Saxons here that I have met with, are those of *Ethelbert*, mentioned by *Bede, lib. 2. c. 5. fol. 120.* which he says, according to the example of the Romans, he made by the Counsel, or Advice of his Wife Men, and that they were Written in the English Tongue, and observed in his time.

I confess these Laws I have not seen: but they are noted by the Laborious and Learned *Dugdale*, in his *Origine Jurisd. c. 22.* but there cannot probably be much in them (if any thing at all) more then is in our Saxon Lawes, published by *Lambard*. For *Allured*, in the Preface to his Laws, says, That by the Advice of his Wife Men, he Collected what ever was worth notice, out of the Laws of *Ethelbert, Ina, and Offa*, and caused them to be observed, and omitted the rest. The beginning of *Ethelbert's* Reign is fixed in the Year 561, by this worthy Author; but according to *Bede's* Account he began his Reign in 557. for he died *Anno Dom. 613.* and Reigned 56 Years King of Kent, as he reports in the beginning of the Chapter aforesaid.

The next Laws of the Saxons I find any where, are *Ina's*, King of the West-Saxons, Printed in *Lambert's Archæologia, fol. 1.* This King began his Reign, *Anno Dom. 712.* and died 727. *ibid.* The rest of the Laws of the Saxon and Danish Kings follow in their succession of time, unto the Conquest of England by *William Duke of Normandy*.

Having thus Noted the Age and beginning of our Saxon Laws, I shall also give an Account of the time, when first the several German

Book II.
Part I.a.
b.Salic-Laws,
when first
Written.Burgundian-
Laws, when
first given.

c.

Boioarian, or
Bavarian Laws
when first gi-
ven. When the Ala-
man and Ri-
puarian.
The Laws of
the West-
Goths, when
reduced into
Method.

d.

The Longo-
bards or Lom-
bards Laws,
when first
Written.The Saxons,
Angles, Va-
rins, and Ri-
sons Laws.Hotton. in
verbin Disti-
on. Feud.
Salic-Laws, why
is called
Rimon. lib. 2.
c. 10.
Gallia West-
France, Ger-
many East-
France.
Hotton. ut
supra.
Gryph.
Weich. bldd.
Saxon. c. 40.
n. 8.
Loecen. Antiq.
Sueo-Goth. p.
35. 36.

and French Laws were Composed, or reduced into Writing. As they are publish'd by *Lindenbrogius*, in his Code of Antient Laws; the first was the ^a *Salic Law*, dictated to the ^b *Franks* by Four of their Nobility, or Chief Men, chosen out of many others, as *Sigebertus Gemblac* reports in the Year 422. But under the Prologue to these Laws it is said, That *Charles King of France* (which was *Charlemaign*) ordered the small Book, or Tract of the *Salic Laws* to be Written. Not but they were Written before without doubt, here only he intends they should be made more publick. The next are the *Burgundian Laws*, established by *Gundebald King of Burgundy*, in the Second year of his Reign, as is said in the Preface to these Laws, which was about the Year 500, as appears by *Greg. Turon. lib. 2. c. 32.* with the content of his Nobility, or Oprimacy, and were selected out of some former Constitutions of his own, and his Parents, or Predecessors.

Next follow the *Alaman, Boioarian, or Bavarian, and Ripuarian Laws*, which the Prologue to the *Bavarian Laws* says, were given by *King Theoderic, or Theiri, King of Austrasia, Almania, &c. Son of Clodoveus, Greg. Turon. lib. 3. c. 1.* who began his Reign, Anno 514, or 515. *Helvicus* a *Isaacson*.

Then the Laws of the *Wissgoths, or West-Goths*, a German People, were reduced into some sort of Method by *Euricus, or Euridic, or Theodoricus*, about the Year 500. *Lindenbr. in prolegom.* and received many Additions, and much Force from *Chindaswind*, and *Recaswind, Kings of these Goths*, who began their Reigns about the Years 644, and 650. *Ll. Wissgoth. lib. 2. Tit. 1. leg. 1. 57. 9.* About this time the Laws of the ^d *Longobards*, which were known by Use and Memory only: *King Rotharis*, who according to *Isaacson*, began his Reign, Anno Dom. 638. caused them to be put in order, and Written 70 years after the *Lombards* came into Italy. *Paulus Diacon. Hist. Longobard. lib. 4. c. 44.*

After these, or rather of an incertain date, are the *Saxon Laws*. The Laws of the *Angles, Varins, and Frisons*, of which there are but

(a) So called, from the River *Sala* in Germany, about which the *Eastern Franks* inhabited, or probably near it held their *Placita*, and Conventions, in which they made their Laws, &c. or from *Sal*, or *Sala*, the same with *Asia*, a *Hall*, or Court; so that then *Salic Law* was the *Royal*, or *Court-Law*. (b) They were a stout People, and inhabited no large Country, between the *Saxons* and *Almans*, called *Francia*; afterwards they overran all *Gallia* and *Germany*; so that *Gallia* was called *West-France*, and *Germany* *East-France*. *Wentila*, in his *Leges Salice Illustrata*, endeavors to prove the *Franks* to have possessed, or inhabited the Country of the *Atlanet*, which he places in *Tamur* and *Lethar*, and the Wood or Forest called *La Forest Charboniere*, making *Dijl* the Antient *Sala*, *Hall*, or Court of the Kings of the *Salick*, or Noble *Franks*; and in his *Glossary of Salic Antiquities*, Words, he derives the Word *Francia* from the *Atlanet* Word *Uranke*, or *Uranck*, yet in use in *Hesperia*, or *Haibania*, the Neighbouring Country, which signifies Stout, Cruel, Fierce, Aufler, &c. and further. That the name of the *Franks* was never known beyond the *Rhene*, until the Year 496, when *Chlodoveus*, in a mighty Victory at *Tobiacum*, now *Zwick*, near *Cologne*, subdued the *Atlanets*, who then left off their own Names, and called themselves *Franciens*, and their Country *Francia*; to obtain Favor from their fierce and cruel Conquerors, and ally their Severity. (c) *Ripuarii*, were those People that inhabited the Country between the Rivers *Rhene*, *Mosel*, and *Moselle*, from *Ripa*, a River Bank, whence *Riparian*, and *Ripuarium*. (d) *Longobardi*, from the Latin word *Long*, and the *Gothish* word *Bard*, or *Bari*, a Lance, Two-edged Spear, or Halbert, focussed from the Long Lance, or Halbert, which they used in War; they were derived from the *Normans*, amongst whom no other Armes were more frequent than that.

few

few published, and therefore presumed to be lost, unless they made use of the Laws of some other Nations with their own.

The Capitulary of *Charlemaign*, *Ludovicus Pius* his Son, and *Lotharius* his Son, was Collected by *Ansegisus (Abbas Lobienfis)* afterwards Arch-Bishop of *Sens*, *Trithemius*, p. 120. in the Thirteenth year of the Reign of *Ludovicus Pius*; and his Son *Lotharius*, An. Dom. 827. as he found them dispersed here and there, in diverse *Membranes*, or *Parchments*, as he says in his Preface to these Laws, which he divided into Four Books.

Eginhart, in this matter, says, That after *Charlemaign* was Emperor, he took notice that there was much wanting in the Laws of his People, which he thought to have added, and reconciled the differences in them, and to have Corrected the evil Laws, but he did nothing more than add a few Chapters to the Laws in being, and those imperfect: yet he caused the Laws of all Nations under his Dominion, that were not Written, to be Written, p. 32.

The Three latter Books of this Capitulary were Collected by *Benedict the Levite*, from divers places and *Schedules*, but chiefly out of the *Archives* of the Metropolitain Church of *Mentz*, wherunto he belonged; And as he notes, some Chapters are to be found double or treble, and some the same with those Collected by *Ansegise*; because he found them in diverse *schedules*, and had not time to correct, or reduce them into order. See his Preface before the Fifth Book.

Many, different, and almost contrary Laws there are in this Capitulary, and the other German Constitutions, and were so, because made by diverse Emperors, Kings, and Governours, with their Councils, at diverse times, and in diverse Countries, according to their several Usages, and are published as they were found; nor was there ever, that I find, an intire Code picked out of all these Laws, as *Charles the Great* (without doubt) designed for a General Law.

Yet this Capitulary which bears his Name, was called an *Edict*, and in many matters was esteemed the Commune Law of Germany, as is clear in *lib. 2. leg. Longobard. Tit. 56. Romani Successiones juxta illorum legem habeant; similiter & omnes Scriptiones secundum legem suam faciant, & quando jurant juxta Legem suam jurent. Et alii similiter faciant: Et quando componunt, juxta legem ipsius cujus comuliter fecerint; componant, & Longobardos illos convenit similiter componere. De ceteris vero causis communi lege vivant, quam Dominus Carolus excellentissimus Rex Francorum atque Longobardorum in edictum adjunxit.* That is, the Romans may have their Successions (in Goods or Estates) according to their Laws, and likewise may make all their Writings, or Charts, according to their Law: And when they Swear or make Oath of any thing, they may Swear according to their Law: And others (Nations or People) may do the like; and when they compound (for any Fault or Injury done by them) they may compound (pay the Mulet) according to the Law of him (People of many Nations living at this time promiscuously together) unto whom they shall do Injury; concerning other causes they may live according to the Commune Law, which *Charles*, the most excellent King of the *Franks* and *Longobards* united into an *Edict*.

Book II.
Part I.

The Capitulary of Charles the Great Ludovicus Pius his Son, and Lotharius his Son.

Book II.
Part I.

The Germans would not admit the Roman Laws, or any other but their own.

Edict. Above this Law stands *Carolus Imperator*, as made by him, which was *Charles the Great*, Great Grandchild to *Charles the Great*, and took upon him the Empire of Germany, 877. *Antiq. Alaman. Tom. 2. Part. 1. Fol. 41.*

Whatever these Laws seemed to be to others, yet they so esteemed as, they would admit no other Laws of other Nations in their Judgments or Decisions of Controversies, yet permitted Men to Read them for Equity sake, and to better their Understanding, though they prohibited the use of them in their Courts and Conventions, for this reason, that though they entertained very many Eloquent Sentences and Constitutions, yet they abounded in Difficulties, and for that a plain order of words were sufficient, and most fit for the doing of Justice. Therefore they would not be vexed with the Roman Law, or any Foreign Institutions. *Leg. Wisigoth. lib. 2. Tit. 1. Leg. 9, 10. Capit. Caroli & Ludov. lib. 6. Tit. 269.* Thus having shewn the Origin, or Time when our Saxon and the German Laws began to be Written, let us proceed to see what agreement and likeness there is between them.

I should be troublesome to the Reader to no purpose, should I here Insert all the Laws of the English-Saxons and Germans, that are like one another, or the very same for substance and matter, though the Mulcts or Penalties may be greater or less, according to the Judgment of the Legislators, and the exigency of different cases. The Matter, and in most of them the Manner is the same, although different in some circumstances; and there is not one Law published by *Lambard*, but either its self, or the Matter and Substance of it, is to be found over and over again in the German Laws.

Our Saxon-Laws are to be found amongst the old German Laws.

The English and German Laws for Murder are the same.

Mordrum used in the German Laws, not found in ours till after the Conquest.

The Mulct for Murder commonly the Were-gild, or value of him that was slain.

Their Lawes for punishing Manslaughter, and Murder, by Pecuniary Mulcts, were alike, only different in the Sums or Penalties imposed. *Ll. Ina. c. 133. Alured. c. 26. Edmund. c. 3. Ethelred in Feder. cum Antavo. c. 5. Senatus consult. de Montic. Wallie. c. 5.* The same are to be found amongst the German Laws, as *Ll. Fris. Tit. 1. 17. and 20. Saxon. Tit. 2. Ripuar. c. 7, 8, 9, 10, 11, 12, 13, 14, 16, 36. Boioar. Tit. 18. c. 2. Alaman. Tit. 49. 76. Salic. Tit. 61. Anglor. Tit. 1. c. 9.* and as by some of our Saxon Laws, Killing a Man was Death, *Præfat. in Leg. Alured. c. 13.* so was it by the German Law, *Capit. Car. lib. 6. Tit. 5. 39. Ibid. lib. 7. Tit. 183.* Banishment for Manslaughter, *Ll. Cann. c. 6. Capit. Car. lib. 4. Tit. 20.* In some of these forecited German-Laws, Man-killing is called *Mordritum*, in others *Mordido*, or *Mortando*, but in the German-Saxon Laws, *Tit. 2. §. 6.* it is called *Mordrum*, which word, nor any thing like it, is to be found in our English Saxon Laws, though it occurs often in *William the Conqueror's* Laws, and the Laws of *Henry the First*. The word is from the German, *Ermorden*, or *Morden*, to kill a Man basely and privily as Thieves use to do. *Herman. Comit. Nuenarii, Exposit. verb. ante Egghart. Ll. Christin. Tit. 20. §. 2. Siquis hominem occiderit & absconderit quod Mordritum vocant;* the Mulct commonly for the death of a Man was his *Wergild*, that is, the value of his Head, or Life, out of which, if he were a Servant, his Master, or Parron had a part, or Compensation for his loss, which was called *Manbosc*, *Ll. Ina. c. 69. Ll. Fris. Tit. 1. §. 3, 6, 9, 10.* And for this purpose the *Wergilds* of almost every person, from the highest to the lowest, are setled

and

Book II.
Part I.

The Wergilds, or value of the life of every person, set in Germany as well as England.

and named in both the English-Saxon, and German Laws. *Ll. Ethelstani, toward the end. Capit. Car. lib. 3. c. 25. qui subdiaconum occiderit 300. solidi. componat. qui Diaconum 400, qui Presbyterum 600, qui Episcopum 900, qui Monachum 400, Ll. Ripuar. Tit. 36. §. 11. Boioar. Tit. 2. c. 20. §. 4.* where the *Wergild* of a Duke is 9000 Shillings, *Ll. Fris. Tit. 15.* where the *Wergild* of a Nobleman, Freeman, Countryman and Slave, or Servant, are all particularly mentioned; and as amongst the English-Saxons, half, or part of the *Wergild* was given to the Parents, or Relations of the slain Person, *Ll. Ina. c. 20, 23.* So amongst the Germans, *Ll. Longobard. lib. 1. Tit. 9. §. 2. Fris. Tit. 1.* as above.

Next after the Laws of Homicide and Murder, we may shew the agreement of the English and German Laws, in punishing Theft, Injury, Trespasses, Strikings, Maiming, or Maimening, Wounding, Bloodshed, Dismembering, &c.

Theft, punished by Mulcts, in the English Saxon Laws, *Ll. Ina. c. 7, 13, 14, 15, 21. Senatus consult. de Montic. Wall. c. 4. Ll. Cann. c. 59. 6.* it was also Penal by the German-Laws, *Ll. Boioar. Tit. 8. Ripuar. Tit. 7. 18. Fris. Tit. 3. Angl. Tit. 7. Longobard. lib. 1. Tit. 25.* yet by the German Saxon Law it was Death to steal a Horse, or any thing by Night or by Day to the value of Three Shillings, *Tit. 4. Slanders, Defamations, Miscalling, punished by Mulcts, Ll. Salic. Tit. 32. per totum.* For Bloodshed, Striking, Maiming, Wounding, Dismembering, &c. See *Ll. Alured. c. 38, 40. German Laws, Ll. Saxon. c. 1. Anglor. and Werin. Tit. 1, 2, 3, 4, 5. Ll. Boioar. Tit. 3. Addit. Ll. Fris. Tit. 3. throughout. Trespasses, ibid. Tit. 4, 5, 7. Boioar. Tit. 9, 10, 11. throughout. Ll. Ina. c. 42. Injuries, Ll. Anglor. & Werin. Tit. 12. Ll. Wisigoth. lib. 8. Tit. 3 and 4. Salic. Tit. 18. Alaman. Tit. 81. Ll. Longobard. lib. 1. Tit. 17. §. 1. in ours Ll. Cann. c. 16. Ll. Ina. c. 9. and in many other English Saxon Laws; in all these the Laws were the same, though different in the Mulcts or Penalties.*

Theft, how Punished.

Slanders and Defamations how Punished. Blood-shed, Strikings, and Fighting, &c. how punished. Trespasses, how Punished.

From these we proceed to a parallel between the possessionary Laws of the English-Saxons and the Germans; that is, the Laws by which they held what they possessed, either Lands or Goods, or the Laws of titum and rum. If any Man seized or took away anothers Goods or Estate, he commonly made restitution, and suffered a Mulct for breach of Peace. *Ll. Alured. c. 16. Edict. Theoder. c. 10. Capit. Car. lib. 5. c. 204. Ll. Wisigoth. lib. 8. Tit. 3 and 4.* but seizing, taking, or detaining other Mens Goods, was in these Ages reputed a sort of theft, and the Law was accordingly

The Law for entering upon, and taking away anothers Estate, was Restitution and Punishment. Theoderic, began his Reign An. 495. Taking away anothers Mens Goods was Theft.

These Mulcts were paid in Cattel, and other Goods valued at a certain rate, both here and in Germany, *Ll. Alured. c. 10. Ll. Saxon. Tit. 18.*

The Rates how the Germans valued their Good, do here follow, as expressed in their Laws.

Solidus

Book II.
Part I.The Rates of
the German-
Carrel, and
Grain.Solid. 12. de-
na. capit. 11.
8.The Rates of
Horses.
Of Armes.

Of Hawks.

An Insolvent
Freeman en-
tered into Ser-
vitude.
An Insolvent
Servant, or
Slave, was
Whipt, &c.Every where.
The Punish-
ments and
Rates for all
Vassals were set
down in a
Book, kept by
the Magistrate.
The Germans
had a Doom-
Book, wherein
was noted the
Composition
every Man was
to make to the
Person Injured,
and to the Em-
peror for Breach of
Peace.

*Solidus est duplex, unus habet duos tremisses, qui est bos Anniculus, 12 Menſium, vel ovis cum agno. Alter solidus 3 tremisses, id est, bos 16 menſium; majori ſolido alie compositiones, minori homicidia componuntur: Weſſalaorum & Angrariorum, & Oſſalaorum ſolidus est ſecalis * Scellila 30, Ordes 40, Avena 60; quadrantus bos 2 ſolidi. 2 boves quibus arari poteſt, 5 ſolidi. Bos bonus 3. Solidi. Vacca cum vitali Solidi duo ſemis: That is, there is a two-fold Shilling, one of two Tremiſſes, or Thirds (that is eight pence) which is a yearling Steer of 12 Moneths; the other Shilling of Three Tremiſſes, or three thirds (which was Twelve pence) that is, a Steer 16 Moneths old; other Muſts or Compoſitions were paid by the Great Shilling, thoſe for Homicide or Mankilling by the Leſs. The Shilling of the Weſſalians, Angrarians, and Oſſalians, was * 30 Scellils of Rye, 40 of Barley, and 60 of Oats. A Steer 4 years old 2 Shillings, 2 Plough-Steers 5 Shillings, a good Ox 3 Shillings, a Cow with her Calf 2 Shillings and half. And more clearly in the Ripuarian Laws, Tit. 26. §. 11. Si quis Weregildum ſolvere debet, bovem cornutum videntem & ſanum pro duobus ſolidis tribuat, vaccam cornutam videntem & ſanam pro uno ſolido tribuat; equum videntem & ſanum pro 6 ſolidis tribuat. Equum videntem & ſanum pro tribus ſolidis tribuat; Spitham cum ſcogilo pro 7 ſolidis tribuat. Spitham abſque ſcogilo pro tribus ſolidis tribuat, Bruniam bonam pro 12 ſolidis tribuat. Helminum cum directo pro 6 ſolidis tribuat; Banibergas bonas pro 6 ſolidis tribuat, ſentum cum Lanced pro duobus ſolidis tribuat. Acceptorum nup domitum pro 3 ſolidis tribuat, Commorſum granarium pro 6 ſolidis tribuat. Acceptorum mutatum pro 12 ſolidis tribuat. That is, he who ought to pay his Weregild, may give a horned ſound, and ſeeing Steer for 2 s., a horned ſound and ſeeing Cow for 1 s. a ſeeing and ſound Horſe for 6 s., A Mare of like condition for 3 s. a Sword with a Hilt, or Handle for 7 s. a Sword without a handle for 3 s. a good Coat of Mail for 12 s. An Helmet without a Beavvoir, or Belvoir, for 6 s. Armour for the Thighs for 6 s. a ſhield or Buckler, with a Lance, for 2 s. an untrained Hawk for 3 s. a Crane-Hawk for 6 s. a Mewed-Hawk he may give for 12 s.*

If a Freeman had not wherewithal to ſatisfie, he entred into ſervitude, while he had given ſatisfaction, Ll. Longobard. lib. 1. Tit. 14. c. 10. 13. Capit. 3. Tit. 67. Ll. Alured. cap. 10. Ibid. Tit. 25. c. 60. Fad. Ed. Guth. c. 7. If a ſervant, or ſlave, and could not pay, or his Patron would not pay for him, he was Whipt, Cudgelled, or Beaten, with ſo many laſhes, plowes, and ſtripes, as the Law directed, Ll. Ine. c. 49. Fædus Ed. and Guthrini, c. 7. 8. Ll. Ethelſtani, c. 19. and in the German Laws in places ſans number.

Theſe Muſts for all theſe Offences were ſet down in a Book, which was the rule or ſtandard of the Judges Sentence, *hæc omne dæpe bonæ pæno Ll. Edovar. in præſar. and as it ſtands in their Dome, or Judgment-Books: again, hæc præ pæo dæpe bonæ; Let them compound, or give ſatisfaction, as the Judicial, or Doom-Book ſays, Ll. c. 8. So in the German-Laws: Comes ſecum habet librum legu, ut ſemper rectum judicium judicet de omni cauſa que componenda ſunt, qui contra legem fecit, componat, ſicut lex habet; & donec componat, illi Wadium de fredo, ſicut lex eſt, Ll. Boioar. Tit. 15. §. 2. 3. that is,*

* Lindenbrogius Interprets this Word no otherwiſe, then that he ſayes it was an uſual Measure amongst the Germans, and certainly was no more, if ſo much as our Buſhell.

the

the Earl, Count, or Governor of the County (Comitatus in the former Paragraph) ſhall have the Law-Book with him, that he may always Judge right Judgment. That in every caſe he that doth contrary to the Law, may compound for ſuch things as are to be compounded for, according to the Law, as the Law hath it, or as it is in the Law-Book, and let him give to the Earl Security, or Pledge for the Peace, as the Law is.

And as there was the ſame deſign and contrivance in their Laws and Punishments, ſo was there the ſame ways of Purgation, or Clearing themſelves from ſuppoſed falſe Accuſations, or ſuch where the proof was not evident, or not thought ſufficient, or in dubious Caſes and Titles. By ^a Ordeal. ^b Oath,

(a) [1.] Ordeal, from or, a Negative, or Privative, and Dal, which ſignifies Diſtinction, or Differences, that is, without Diſtinction, or Difference, and imports a juſt impartial Judgment, it was of two ſorts, by Fire, or Water; by Fire, when the Perſon accuſed carried in his bare-hand a red-hot Iron ſome few ſteps, which, if it weighed but One Pound, and called Single Ordeal; if Three Pound, Treble Ordeal; or when he walked bare-foot, and blind-fold, over and between certain red-hot Plough-ſhares, placed at a certain diſtance; if in doing this the Party was Burnt, he was pronounced Guilty; if not, he was ac- counted Innocent. Water-Ordeal was either when they caſt the Accuſed into Water, and if they did Swim, were Judged Guilty; if they Sunk Innocent; or their hands and arms were put ſometimes up to the Wriſt, ſometimes up to the Elbow in Boiling hot Water, if they were Scald, they were eſteemed Guilty, if not Innocent. [2.] The Noble and Freeman were Tryed by Fire-Ordeal; the Peaſants and Servants, by Water-Ordeal.

The Forms, Exorcifms, Conjurations, Offets, Litanies, Leſſons, Goſpels, and Celebration of the Communion, uſed in all ſorts of Ordeal, may be ſeen in the latter end of Marculphi Formulae, where they are the moſt exact and ample I have ſeen. Alſo ſome part of them in Ethelſtani Laws, Spelman's Gloſſary, fol. 436. and Origin. Jurid. fol. 86. The Judgment or Tryal by Cold-Water [3.] Marculph reports was inſtituted inſtead of Swearing, at the Requeſt of Lud. Pius, by Pope Eugenius the Second (who obtained the Papacy, Anno Dom. 824. and was Pope only three years) commanding all Biſhops, Earls, Abbots, and all Chriſtian People within his Empire, to defend the Innocent, and examine the Nocent by it, left being perjured upon the Reliques of Saints, they ſhould deſtroy their Souls. See more in Olava Wormius Monument Dan. lib. 1. c. 11. de Orda- lia.

(b) This way of Purgation, or Clearing of themſelves from Crimes, Debts, (nay ſome times Heirs, Swearing themſelves. [4.] Into Eſtates, when the Chart of Donation was loſt or burnt) is very frequently mentioned in all the German-Laws, thus expreſſed; Tertii, quinti ſexid, duodecim manu, &c. jurare. And in the Alaman Laws, Tit. 6. being de juratoribus. Quales & quantos, ſecundum ora, homo habere debet, of what condition, and how many, ſacramentales, ſive conjuratores, fellow-Swearers according to the degree of the Crime or Matter objected, after ſeveral caſes noted, wherein the accuſed perſon was to Swear cum uno ſacramentali, one only to Swear with him, or Tertii. vel ſexid manu, or with Three or Six. The manner of their Swearing is preſcribed, Ibid. §. 7. Illa ſacramenta debent eſſe jurata (referring to the Caſes before-mentioned) Ut illi conjuratores, manus ſue ſuper Caſam ponant, & ille ſolus cui cauſa requiritur, tantum dicat, & ſuper omnium manuum manu ſuam ponit, ut ſic illi Deus adjuvet, vel illa reliqua, ad illas manus quas comprehendere habet, ut de illa cauſa, unde interpellatus eſt, culpabilis non ſit. That is, thoſe Oaths (referring to the Caſes before-mentioned) ought to be ſo Sworn, that the Fellow-Swearers may put their hands upon the Caſe of the Reliques, and he alone that Proſecuted ſhall ſay the words, and ſhall put his hand upon all their hands, that ſo God may help him, or thoſe Reliques to which he holds their hands, as he is not Guilty of that Cauſe for which he is proſecuted. Some ſhadow of this practice we have yet in our Nation, in Wager of Law, in Actions of Debt without Specialty, where the Proof is not clear on the Plaintiffs ſide, the Defendant is admitted to wage his Law; That is, [c.] To take his own Oath that he Oweth nothing at all to the Plaintiffs, and to bring as many credible perſons as the Court ſhall Adjuge, to make Oath, that they believe he Swears true.

Book II.
Part I.

a. b.

Somn. Gloſſ. in verbo. Ordeal, 1184. And what the Tryal was.

Water Ordeal, What.

[1.] Ll. Longob. lib. 1. Tit. 9. c. 39. Glanv. lib. 14. c. 1. in fine. The Form. Exorcifms, &c. uſed in theſe Tryals. [3.] Marcul. form. 1301. Inſtituted to prevent Perjury.

[4.] Ll. Alaman. Tit. 2. §. 2. How and how many Swear antiently. Ewa, from the Saxon word ew, or zwc, juſ, or Lex, in the Preface to Ina's Laws, in Lambardi See Sommers Sax. Diſt. in the word zwc.

[5.] Nomo- thet. verb. Law.

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and

Book II.
Part I.

*Fire Ordeal.

[9.] Gavelk.
fol. 111.
[1.] Ll. Ed.
Sec. c. 11.
[2.] Gloſs. in
verbo, Terra
ex Scripto,
Bockland, and
Folkland,
What?[3.] Spelm.
Concil fol. 319
An. 800. Con-
cil. Clovifho.
c. 2, 3, 6.Judgment by
Battel.Tryal by a
Decretory
Morſel, or Eu-
chariſt.
[6.] Gloſſary
in verbo.
[7.] Ll. Canut.
Part. 1. c. 5.
[8.] Form.
fol. 1037.
1038.

and c Battel, or Duel. *Fed. Edovard. and Guſhrin. c. 9. Ll. Ethelſtan. c. 7. 21, 23. Ll. Ine. c. 55. Canut. 20. Ll. Friſon. Tit. 3. §. 1, 2, 3, 4, 5, 6. Tit. 14. §. 3, 4. * Capit. Car. in append. Secunda, lib. 4. n. 3. n. 33. Add. Lind. lib. 4. Tit. 80. Ll. Angl. Tit. 15. Friſon. Tit. 5. §. 1.*

Mr. [9.] Somner ſayes, There were but two ſorts of Tenures here in the Saxons times before the Conqueſt. [1.] *Bockland*, and *Folkland*, to which two all other ſorts of Land might be reduc'd. *Bockland*, as [2.] *Lambert ſayes*, was free and hereditary, and was a poſſeſſion by Writing, the other without. That by Writing was poſſeſſed by the Free or Nobler ſort; that without, called *Folkland*, was holden by paying Annual Rent, or performance of Services, and was poſſeſſed by the Rural People, *Ruſtick's, Colon's, or Clowns*; In thoſe times theſe Writings [3.] were called in Latin, *Libelli terrarum, Landboe's, and Telligraphia*, and Livery and Seizin was then made and given, by [4.] delivery of a Turf taken from the Land with the Writings. This *Bockland* could not be alienated without

(c) *Battel*, or *Duel*, called *W'baline*, by the *Bolarians*, *Decret. Taſſon. §. 10. Ll. Boion. Tit. de leg. populari, §. 1. c. 6. Conſult. decret. Taſſon. §. 6.* he that had his Land taken from him by another, might prove it to be his by due Witneſſes; but if the Invader or Occupier contradicted that Prove, it was to be determined by *Battel*, *campo adjuſcentur Ll. Saxorum, c. 15. Siqui Adalung occiderit 600 Solid. componat, ſi negaverit, cum 12 ju- ves, aut in Campum exeat. Ll. Angl. & Werin. Tit. 1. §. 1, 3.* That is, if any one kills a Noble Man, he ſhall pay 600 Shillings, if he denies it, he ſhall clear himſelf by 12 Comparators, or go into the Field (*id est*) Trial by Battel: *Si mulier maritum veneficioſe occidiſſet, &c.* If it be ſaid a Woman Poſſon'd her Husband, her next Relation may Right her by Battel; but if ſhe hath no Champion, let her be Tried by Nine red-hot Plough-ſhares, *ibid. Tit. 14.* All caſes of Theft, and Wounding, which deſerve a Muſt of 3 Shillings, and upward, to the higheſt Muſt, or Composition, are to be judged by Battel, if the Fact was ſtencyed, *ibid. Tit. 15.* This way of Judgment by Battel was ſo prevalent, and frequent amongſt the *Lombards in Italy*, in the time of King *Rothari*, who began his Reign about the Year 640, according to *Helvicus*, that although (as he ſayes) they were uncertain, concerning the Judgment of God. And that they had heard, many had by *Duel*, or *Battel*, loſt their cauſes without reaſon, yet ſuch was the Cuſtom of his Nation (the *Lombards*) to be perſiſtacious they were in it, that he could not prohibit that wicked Law, *Ll. Long. lib. 1. Tit. 9. c. 23.* More of this, and the manner and circumſtances of *Battel*, or *Duel*, ſee in *Ll. Alam. Tit. 84.* and in my Preface to the Norman Hiſtory, or in the words *Battel*, or *Duel*, in my Gloſſary.

There was beſides theſe another way of Examination, and finding out Guilt, and Innocency in ſome Criminal Cauſes mentioned by *Lambard* in his *Gloſſary*, by a Judicial, or Decretory *Morſel*, called by the Saxons *Corſed*, which according to this Interpretation ſignifies Execrated Bread. But Mr. [6.] Somner better derives it from the ſame *Cors*, a *Cuſe*, and *Suad*, or *Suid*, a *ſnidan* to cut; ſo that it ſignifies an Execrated, Particel, *Morſel*, or *Peice*. This is mentioned in the Purgation of Regular and Secular Priests, who, if accused of any Crime, and had no Compurgators, no Conſacramentales, or Conjurators, to ſwear with them. [7.] *Gato Corſed*, let him go to the Tryal of the Decretory, or Execrated *Morſel*. The manner of giving this *Bary-Bread*, or *Morſel* of *Cheſe*, *Marcellus* delivers thus, After the *Litanies* and Offices for this purpoſe, and the *Bary-bread* or *Cheſe* ſanctified, and Exorcized, and the Accuſed Perſon Acceptor *Communione*, had received the *Communione*, it was offered with this, or ſuch like Form of words there mentioned, *Ad adſopſiam ei pro oſtentione veritatis creaturam panis ſanctificati, vel caſei, ſauz ejus claudatur guttur ejus ſtranguetur, & in nomine tuo ante id reſpiceretur, quam devoture, innocens vero & iſcitus, ſubrie ad ſalubritatem ſui cum omni facilitate, hanc partem panis vel caſei in nomine tuo, ſignatam manducando diglutat. Ut ſciant omnes, &c.* That is, Let his Jawes be ſhut againſt the Creature, of *Hallow'd Bread*, or *Cheſe*, which is forced upon him, for the demonſtration of Truth, Let him be Choked, and in thy Name let it be caſt up again, ſooner then ſwallowed; but if he be Innocent, and knows nothing of the Theft, Murder, Adultery, or *Wickedneſs*, wherewith he is charged, let him with eaſe and health ſwallow this *Morſel*, or Piece of Bread or *Cheſe*, ſigned in thy Name. Why our *Engliſh* Saxons called it *Corſed*, *Curſed Particel*, and *Morſel*, or *Execrated Bread*, when as from *Marcellus* 'tis clear, it was uſually *Hallow'd*, and *Conſecrated*, I know not, unleſs from the wilhes in the beginning of the Form, at the forcing it, upon ſuch as were to undergo the Tryal, or that they believed it proved a Curſe ſometimes to them.

From theſe we paſs to the *Laws* concerning the *German* and *Engliſh-Saxons* Real Eſtates, their *Lands* and *Titles*, how they held, and claimed them; And theſe were but very few, conſidering the multiplicity of the other, both here and in *Germany*.

[4.] the

[4.] the Kings conſent; it was a Royal Prerogative in the King only to grant it, and it was forfeited alſo to the [5.] King by him that deſerted his Lord, either in a Sea or Land-Expedition. This was called *Terra teſtimentalis, & hereditaria, Land inheritable*, and Deſiſeable by Will. Unleſs the firſt purchaſer, or acquirer, by Writing or Witneſs, had prohibited it; And then it could not be fold or diſpoſed of from the [6.] neareſt *Kindred*. This *Bockland* was of the ſame nature with *Allodium* in *Doomſday*, holden without any payments, nor chargeable with Services to any Lord or Seignior; and though the Name was almoſt quite loſt, yet the thing remained under the name of *Allodium*, and the Lands poſſeſſed by the *Allodiarii*, mentioned in *Doomſday*. *Somner Gavelkind, p. 120, 121, 122, &c.* yet theſe Lands holden in *Allodio*, or *Allodium*, were not altogether free, but ſubject to the general Land-Tax of *Hidage*, as all other Lands were, As appears in *Doomſday-Book*, in all places where *Allodium* is mentioned. As in *Hantſcire* in *Tit. Terra Hugon. de port. idem. ſcn. Cerdeſford & Willielmus de eo, duo liberi homines in Allodium tenuerunt, T. R. E. tunc & modo Geld. pro 5 Hid. fol. 44. b. in Bernheſſet. Hand. Ipſe Hugo ten. Dummere, unus homo ſuus de eo, Alric tenuit de R. E. in Allodium tunc & modo ſe defendit pro 5 Hidis, fol. 45. b.* That is, *Hugo de Port* holds *Cerdeſford*, and *William* of him; two Freemen held it in *Allodium* in the time of King *Edward*, then and now it gelded, that is, paid *Geld* or *Hidage*, after the rate of 5 Hides, &c. And not unlike theſe Lands holden in *Allodio*, were and are thoſe in *Normandy*, of the ſame Tenure: *Les terres de franc Alien ſont celles qui ne reconnoiſſent ſuperieur in Feodalite & ne ſont Sujets a ſaire ou payer aucun Droits Seigneviaux Reform. Cuſtum. Artic. 102.* That is, *Lands of Franc Alien*, or free *Allode*, are ſuch as acknowledge no ſuperior in *feudality*, and are not ſubject to do, or pay any Seigniorial Rights. *Godeſroy*, upon this Article, ſays, that theſe Lands, notwithstanding their Freedom, were ſubject to the Juſtice Royal, or Juſtice of the place where they lay, and might be confiscated, Confiscation being an Appendant, or fruit of Juſtification, and therefore 'tis added here in *Feodality*, to ſhew, it was exempt onely from *Superiority*, and Juſtification Seigniorial, ſo that the Poſſeſſor might ſell, and diſpoſe of it at pleaſure, without leave of any Lord, or Superior. Much of this Land there was in the *Diocels* or *Viconte* of *Bajeux*, where *Odo* was Biſhop, who was alſo Earl of *Kent* here after the Conqueſt, and there was alſo the Cuſtom of *Gavelkind*; and 'tis probable many of the People under his Juſtification in *Normandy* might tranſlate themſelves into *Kent*, and bring thoſe Cuſtoms with them.

But beſides theſe two, there are Lands and Poſſeſſions mentioned by other Names in our *Saxon Laws*, as *Gaſolland*, *Rent-Land*, or *Farne-land*, *Fedus Alured*, and *Guhr. c. 2. Gaſolgylden hus*, an Houſe yielding, or paying Rent, or Gable, *Ll. Ine. c. 6.* There are alſo mentioned *Inland*, or the *Lords Demeaſnes*, which he kept in his own hands, and *Neatland*, which is called *Uiland*, or *Outland*, in [7.] *Byrthrics Will*; *Terra Villanorum*, and was let out to Country-Men, or Villagers, æger of *Thegnes* inland ge of *Neatland*, either of the *Lords* or *Thanes* *Inland*, or *Demeaſnes*, or the *Country-Mans*, *Villagers*, or *Villans* *Land*, *Gaſolland*, *Neatland*, and *Uiland*, as Mr. [8.] *Somner* truly informs us, were oppoſed to *Inland*, or *Demeaſne* Lands, and were Lands granted out for Rent, or Service, or both,

K 2

Book II.
Part I.[4.] Somner
ut ſupra. p. 12.
[5.] Ll. E-
thelſted, p. c.
c. 2.
[6.] Ll. Alu-
red. c. 37.
Bockland and
Allodium.Tempore Re-
gis Edwardi.Beraut, fol.
714.Saxon Te-
nures.

Inland.

Uiland, or
Outland.
[7.] Lamb.
peramb. Kent.
p. 497.
[8.] Spelm.
Gloſs. in verb.
[8.] Gavelk.
p. 14. 114.
Spelm. Gloſs.
in verbo.

Book 11.
Part I.
The Names of
ordinary Peo-
ple.

[9.] Gavell.
ut supra.
Saxon Lands
held by Milita-
ry-Service.

and reducible to *Folkland*, and 'tis very probable they were the same, or of the same nature; for that in the Laws where they are mentioned, it appears they were always occupied by *Carls, Charlcs, Country-men, Colons, or Clowns*; by *Gibures, Boors, Rustics, Plough, or Husband-men*, or by *Nates, and Genetes, Drudges, Villans, or Villagers*. These three Saxon words being almost of the same signification, though very different in found, were always applied to the ordinary sort of People, called by us *Folke* at this day.

[9.] *Inland* he thinks to be the same with *Bockland*, or at least of the same condition, or reducible to it. Yet besides these Lands, there were other Lands also which were holden by Military, or Knights-Service, called then *Peoda*, or *Beneficia*, *Fees*, or *Benefices*. Such were the Feudal-Lands of *Ealdormen, Thanes*, and less *Thanes*, or as they were afterwards called *Valvasors*, which they had of the King's Gift, for personal *Attendances, Military Services*, or as *Governors of Provinces, Counties, or Towns*, for which see *Selden's Titles of Honor, Part. 2. c. 5. n. 3, 4.* and that there were such Lands, as well in the hands of the Lower sort of the Nobles and Gentlemen, as of the greater Noblemen, is further clear, by undeniable testimony from the *Saxon Laws*, and *Doomsday*, * That ylc man habbe æt thær Syllh Twegen þel gehorfaðe men, *Ll. Ethelstan, c. 16.* Every Man for a Plough shall have two well-furnished Horlemen: They who were to find these Men had the Land given them for that purpose, for 'tis not to be thought, that a Country-Man that paid any considerable Rent could do it. If a *Sithcund-Man* refused his Service in the Army, or a Military Expedition, he Forfeited his Land, &c. *Ll. Ine. c. 52.*

Now we do not read of Land any where forfeited in such case, unless it be *Feudal Land*, and such as was given by a great Person, Lord, or Signior to his *Vassal*, or *Fendatarie*, for the performance of the *Military Service* agreed on between them. Again, if any Man was killed, fighting in *Battel*, by, or in the presence of his Lord, or Patron, his *Heirs* succeeded in *Lands and Goods*, without paying an

A Sithcund-
man, what he
was.

Thrymfa.

The Office of a
Sithcundman.

See Lageman
in Glossar.

(4) Mr. Somner, in his *Glossary*, derives this word from *Sith*, or *Gefith Comes, vel Socius*, a Ruler or Governor, and *Cund*, *Kind*, as it signifies the condition and quality of any one, and *Man*, that is, a kind or sort of *Comes, Governor, Judge, or Praefect*: He was esteemed equal to a *Thane*, by the valuation of his Life in *Mittelstane's Laws*: (c) *De weru*, where they are both equally valued at 1000 *Thrymsas*, or *Groates*; *Thrymfa* not being 3 *shillings*, as *Lambard* interprets it, but only a corruption of the Latin *Trenissus*, which often occurs in the *German Laws*, and was the third part of a *shilling*, or 4 d. *Ll. Alamus, Tit. 6. S. 3.* *Salva autem est quarta pars Trenissus, hoc est denarius unus. Trenissus est veritas pars solidi, & non denarii quatuor* & *Germani* sometimes reckoned the values of their Goods by *Trenissus*, *optimus* *hinc* & *Trenissus* *valdes medianus*, 4. *Ll. Alamus Tit. 27.* and so frequently in the *Laws of the West-Saxons*.

His Office, or Place of Trust seems to have been the same, or much like that of a *Centgrave*, or *Hundredaire*; for many small Territories or parts of Counties, which we now call *Hundreds*, were antiently, retaining the Saxon expressions, called *Sithcops*, as the Hundreds of *Knighthone, Kineson*, and *Hemlingford* in *Warwickshire*, were 16 *Hec. Secundis*, called *Sithcops*, *de Chichelebury, Sithcops* *de Chinton, Sithcops* *de Humilford*. *Dugdale's Antiq. Warwickshire, fol. 1. col. 2. fol. 297. col. 1. fol. 636. col. 1.* *Sok* being interpreted a Court, Liberty, or Jurisdiction, where *Þest* were holden, and *Sithe, Gefithe, Sitheman*, or *Sithcundman*, * *Legalis Homo*, or *Militaris Homo*; the judicious *Dugdale* thinks, *Sithcops* signifies, *Curia libera legalium hominum*, or *Militarium hominum*, a Court of Military, or Legal-Men: but perhaps the word may more aptly be translated, the Court-Liberty, or Jurisdiction of a *Sithe, Gefithe, or Sitheman*, in such part of a County, like our *Hundreds*, where also he had a Military-Power, to lead the People out to War, as appears by the *Saxon-Laws*, and might be then Captain.

Heregal,

Heregeat, or *Heriot*. *Ll. Cannt. c. 75.* which word *Heregate*, or *Heriot*, *Brompton* expounds by *Relevatio*, a *Reliefe*, *col. 931.* and so likewise it is turned in *Edward the Confessor's Laws*, where we have this very Law, *cap. 35. Tit. de Heretochiis.* And these *Heregeats*, or *Heriots*, *Ll. Cannt. c. 69.* were certain Arguments of *Feudal Lands*, or *Tenures in Military*, or *Knights-Service*. They being due to the Lord or Patron, upon the death of his *Vassal*; and besides *Horses* and *Money*, consisted in certain Warlike Instruments and Furniture, given up, and brought into the *Lords Armory*, there to remain for his use and defence when there was occasion. The *Earls Heregeat* was 8 *Horses*, 4 *Saddled*, 4 *Unsaddled*, 4 *Helmets*, 4 *Coates of Mail*, 8 *Spears*, as many *Shields*, 4 *Swords*, and 200 *Marks in Gold*; which payment in Money I take to be the *Reliefe* rather for the Earldom, that differing from the *Heriot*, or *Heregeat*, as *Sir Hen. Spelman, Mr. Somner*, and others do, in their Interpretation of those words, tell us.

The *Heregeates*, or *Military preparations* of the *King's Thanes*, or *Barons, Middle Thanes*, and *Lower Thanes*, all Military Men of inferior degrees, follow in proportionable order, for which see the Law above-mention'd.

From these we proceed to the *Laws* of *Edward the Confessor*, in which (if their Credit be as great as their Fame) the Tenures by *Knights*, or *Military-Service* is fully and clearly set forth and described, *Ll. 35. Tit. De Greve.* All Freemen of the whole Kingdom, according to their Estates, Goods, and Possessions, and according to their *Fees* and *Tenements* ought to have Arms, and keep them ready for the defence of the Kingdom, and Service of their *Lords*, as the *King* shall command.

And Moreover *Birrick*, the Rich Saxons Will, is very observable in this Matter, in which he gave to his Lord a *Bracelet* of 80 *Marks of Gold*, and a *Hand-Sword* worth as much, Four *Horses*, two of them Trapped, and Two *Swords* Trimmed, Two *Hawks*, and all his *Hounds*. And to his Lady one *Bracelet* of Thirty Marks of Gold, and one *Palfrey*, to prevail with him, that his Will might stand, and take effect. *Lambert's Peramb. of Kent, p. 493.* Without all peradventure the Lands of *Birrick*, bequeathed by his Will, were *Feudal Lands*, holden in *Military-Service*, and not *Devisable* without his Lord, or Patrons consent. In *Doomsday* we find, *Tit. Kent. fol. 1. b. in leſt de Sudton & lſt de Ailesford habuere ipſi, T.R.E.* *Sacham & Socham Brixii, Cilt, Adelold de Elleham Auchil de Becheham, Azor de Lefneis, Levinot de Sudton, Edward de Eſton, &c.* to the number of 15; and if so many in these *Leſts*, we may conclude the like proportion in others. All which must have been *Military Thanes*, and held their Lands by *Military-Service*, for *Sacha* and *Socham*, a liberty and privilege to try Causes with a peculiar Jurisdiction, between the Lord and Tenants, or his Men and Tenants, as the words import, was, and is a most certain Argument of Dominion and Seignourie, which was first obtained from the Prince, and an Infalible Mark of *Military Service* due from him that enjoyed it, and an obligation upon him to perform it: What *Feudal Tenures* were, and are, and what the Obligations, Stipulations, or Necessitude

Book 11.
Part I:
Heriot and
Reliefe the
same.

An Earls Heriot.

A Rich Saxon
gave Money to
have his Will
confirmed.
In a Rebellion
of Earl Godwin
and his
Sons against
the same King,
he and his Son
Harold were
commanded;
Servitium Mil-
litum quos ha-
beant in Ang-
lia Regi con-
trahere: To
deliver up, or
pass over to
the King all
their Military
or Knights-
Services they
had in Eng-
land, Malin.
fol. 46. b. n.
50. & f. 47.
lin. 1.

Book II.
Part I.

That is, if any Woman which hath a paternal Inheritance, after marriage bring forth a Child, and dyes in Child-birth, and the Child remains alive for some short space, so as it can open its eyes and see the top of the House, and the four Walls, and afterwards dieth, the Father shall enjoy the Mothers Inheritance, and if the Father hath Witnesses which saw the Infant open the eyes, so as it could see the top of the House, and the four Walls, then his Father had liberty to defend his Title by Law. But if otherwise, he may obtain it whose propriety it is. This certainly is that which we call the *Courtesie of England*, and which the Lawyers call *Lex Anglie*; and *Littleton* in his *Tenures*, Sect. 35. says, this Custom was used in no other Realm, than in *England* only; yet Sir *Edward Coke* upon this Author, fol. 30. reports it to be used in *Scotland* and *Ireland* also.

Feudal Tenures from Germany.
c. De Jur. Belli & pacis lib. 1. c. 3. §. 23. n. 1.

2. In verb.

3. *Hottom* in verb. Feud. in verbo.

4. De feud. dilip. l. 871.

5. *Wippo* in vit. Chunrad. fol. fol. 423. n. 20. fol. 424. n. 40.

We shall now further enquire after the *Feudal Land* and *Tenures* amongst the *German Nations*, to whom 1. *Grotius* says they were proper, and that they were no where to be found, unless where the *Germans* placed themselves, but besides this Testimony of *Grotius*, they are often found mentioned in the *German Laws*, by the name of *Beneficia*, which as 2. *Hottoman* observes, were the same with *Fenda*; and *Beneficiarius* the same with *Infeudare*, or *Fendum alicui tribuere*. Capit. Car. lib. 3. c. 71. *Quicumque beneficium principis habet & non pergit in exercitum, honorem suum & Beneficium perdat*. Whosoever hath a Fee from the Prince, and goeth not forth in his Army, shall lose his Honour and Fee, *ibidem* lib. 1. c. 132. *Omnes Episcopi, Abbates, Abbatissa, Optimates, & Comites, cum domestici, & cuncti fideles, qui Beneficia regalia, tam de rebus Ecclesiasticis, quam que de reliquis habere videntur unusquisque suam familiam suo beneficio nutrire faciat*, &c. All Bishops, Abbats, Abbesses, great Men, Earls, or *Domesticks*, and all *Vassals* that have *Royal Fees*, as well of Church Lands, as of others, shall maintain their own Families; and such as belong to them, upon, or with their own Fees, &c. again lib. 3. Cap. Car. c. 19, 20. the Emperor takes notice that many of his Earls and other *Vassals* cheated him of his Fees, by giving or granting the Propriety of them to others, and then by purchasing them again (*in ipso placito*) in the publick Court, acquired to themselves an Inheritance; and in many other places there are provisions made for the ordering of these Fees or *Beneficia*. And *Vassi dominici comitum Ducis, Episcoporum, Imperatorum, Regis*; and *ad Marchiam custodiendam constituti*, are to be found in most of the *German Laws*. Now 3. *Vassus* was such an one, as having received a Fee or *Beneficium*, obliged his Faith to the Author or Donor of it, and is indeed the same with *Fendatarius* and *Beneficiarius*.

The reason why in these ancient times we find few *Laws* concerning Fees or *Beneficia*, or that we want a just account of them, is because the *Feudal Law* was then contained only in Customs. 4. and usages, and not written until the time of *Frederick* the First, Anno Domini 1158. *Radev. invitâ Fred. 1^{mi} lib. 2. c. 7. n. 30*. Yet somewhat before this time, there is extant a notable Feudal Constitution of *Conradus Salicus* (who 5. was chosen Emperor in the plain between *Ments* and *Worms* in *Germany*, and began his Reign Anno Domini 1024.) amongst the *Laws* of the *Longobards*, lib. 3. Tit. 8. L. 4. Conradus,

Book II.
Part I.

Conradus Constitution about Fees.

6. Miles & Vassallus Synonyma Hottom. in verbo.

Lotharius his Constitution about Fees.

7. Gryph. de Weickbild Saxon. c. 42. n. 12, 13.

8. *Valefrerum* Francifac. Tom. 3. fol. 7.

9. Ib. fol. 254. Anno 668. The noble Franc's married not their Daughters without the Kings consent. 1. Ib. Tom. 2. fol. 6. Anno Domini 561. Their children were educated in the Kings Court. 2. Ib. fol. 438.

*Conradus Dei Gratia Romanorum Imperator, &c. Precipimus & firmiter statuimus ut nullus Miles Episcoporum, Abbatum, Abbatissarum Marchionum vel Comitum vel omnium qui Beneficium de nostris publicis bonis, aut de Ecclesiarum pradiis nunc tenent, aut tuerint, aut hactenus injuste perdidervint, &c. Conrad, by the Grace of God, Emperor of the Romans: We command and firmly injoin, that no Miles, (Knight or Horse-man) of Bishops, Abbats, Abbesses, Marquesses, or Earls, or of any which hold or have held a Benefice or Fee of our publick Lands, or the Farms of the Church, or have unjustly lost them, as well our great *Valvasores* or *Fendataries* as their. 6. *Milites* or *Vassals*, without a certain or evident fault, shall lose his Fee, unless, according to the Custom of our Ancestors, and the judgment of his Pares, Peers, &c. That their Sons and Grand-children should succeed in their Fees, observing the ancient Custom of giving their *Horses* and *Arms*, upon every Succession, to their *Lords* or *Patrons*. Also in the same Laws there is extant another Constitution of *Lotharius*, Tit. 9. lege 9. dat. 6. Novembris 1036. made at the request and desire, and by the Council of his Arch-bishops, Dukes, Marquesses, Counts, Palatines, and the rest of the Nobility, for restraining *Vassals* from aliening and embezzling their Fees and *Beneficia*, without licence of your *Lords*, by which means the Service of the Empire had been much impaired and neglected, and the profit and advantage of their *Lords* much diminished. 7. These Fees, although they received another Form under *Charles* the Great, and in *Germany* under *Conrad* the First, yet their Original is not to be attributed to them; and being much more Ancient, of right belongs to the *Longobards*. But whether their Origin was from the *Longobards*, or not, certain it is, these *Tenures* and *Lands* were amongst the *Franc's* a German-people in *France*, some Centuries of years before *Charlemagne*; for *Clotharius* by his Edict. 8. Anno Domini 615. 15^o Calend. Novemb. 31^o Regni sui Parisiis, confirms to all persons their *Beneficia* or Fees, which had been granted to them by his Predecessors or himself.*

It appeareth further, for the Antiquity of *Feudal Customs*. 9. That the *Noble-men* of *France*, who held Fees or *Benefices* of their *Kings*, dare not Marry their Daughters without their consents; and long before that, it was usual for the 1. *Franc's* to send their Children, when grown up, to the *Kings Court*, and to *Noble-men*, to be educated in liberal Arts and War-like Exercises. This, without question, was a *feudal Custom*, and by this way of Education, the Prince had two Advantages, as our 2. Author observes, first that these young men were Pledges of their Fathers Fidelity towards them, and then that the *Nobility* were accustomed to their *Kings* in their tender years, and learnt how to revere and love them, as their Parents in whose Court they had been educated.

From hence we may with great probability conclude, that in these times the greatest parts of the Lands in *France* and old *Germany* were *beneficia*, or feudal Lands, and holden by *Military*, and other publick Services; the *Alodia* or Lands of Inheritance being but few in respect of them, nor were there many *Land-holders*, especially of considerable quantities, except the *Nobles* and *Great men*, and they were only such as were *Military men*, and executed publick

Book II.
Part I.

publick Offices and Ecclesiasticks. Not but their *Mancia* and *Servi*, their Slaves and Drudges, might hold a *Cottage* and some very small parcel of Land at the will of their Lords, as they did here in the Saxons time before the Conquest.

For, that such there were here then, we find in the Conquerors Survey from one end of it to the other, under the *Norman* Names of *Villani*, *Bordarii*, *Servi*, &c. Take one instance for a thousand, *Eafessa Tit. Terra regis, Dimid. Hund. de Harlava, Hadfeldam tenuit Haroldus T. E. R. pro 1. Man. & viginti Hidu, tunc L. Villani, modo lx. Tunc xix. Bordarii modo xxx. Tunc xx. Servi, modo xxii. &c.* of their *Tenures* hitherto.

We pass unto their Courts and Judicatories, which if not the same, yet were very much alike here, and in *Germany*; for as our *English* Saxons had their *Syregemote* or Court; so the antient *German*s had their Provincial, or County *Placita*, *Malls* or *Conventions* for doing of Justice, and they were held twice in the year, *Ll. buman. Edgar. c. 5. or oftner, leges polit. Canut. c. 17. So Capit. Car. l. 7. c. 96. Ut ad Mallum venire nemo tardat, unum circa estatem, alterum circa Autumnum, ad Aliud vero, si necessitas fuerit, vel si denunciatio regis urgeat, vocatus venire nemo tardet.* No man shall forbear to come to the Mall or general Meeting of the Prince or County twice in a year, about Summer and Autumn; and if there be necessity, or the Emperor denounceth by *Edict* another, every one that is summoned shall come in.

And as by those Laws of *Edgar* and *Cnut*, the *Bishop* of the *Diocefs*, and *Alderman* or *Earl*, were both to be there present to give mutual assistance each to other, according to their several Functions and Offices, in executing Justice. So were they also to be both present in the *German* *Malls* or general *Placita*, *Addit. 2. Car. ad Ll. Boioar. c. 10. Ll. Longobard. lib. 2. Tit. 53. or 54. c. 1.* These County Courts are much like the *Sheriffs* turns, which were duely observed with us in former times.

Besides these, there were as now, monthly County Courts in every County, and the like we find in *Germany* amongst the old *Barbarians*, *Ll. Boioar. Tit. 2. c. 15. §. 1.* Let there be *Placita* or Courts in the beginning of every month, or every fifteen days, to enquire into matters, so as Peace may be in the Province, and all Free-men shall meet at the appointed days which shall reside within the County whither they be the *Kings* *Vassals* or the *Dukes*, all shall come to

(d) It is called *Mallus* or *Mallum*, from *Ein Mabl*, signifying in *Saxon* a *sign*, *mark*, or *token*; as a *Stone*, a *Tree*, a *Perch* or *Pole*, a *Cross*, a *Hill*, &c. at which the *Mall* or Courts were holden, they being always kept at a certain noted place amongst the *Saxons*, and so with us, of which one instance for many in the County of *Norfolk*, from a *Writ* or Commission of *William Rufus* upon a claim of the *Abbat of Ramsey*, to certain Lands in *Holme*, in these words. *Willielmus Rex Anglorum, H. Camerario Salutem, factis convenire considero 3. Hundr. & dimid. apud Fliccamburch, &c.* this without doubt had been a noted place before the Conquest, for the meeting of all or some of these *Hundred*s; the place is upon an Hill about a Mile above the Town of *Flicham*, in the *Hundred* of *Freebridge* *extra Lin in Norfolk*, on the West side of the way leading from *Flicham* to *Sherborne*, now called *Fliccamburge*, or *Burrow*, being a square piece of ground about an Acre, ditched about with an old large Ditch, about eight Miles from *Holme*, where the Land in Controversie lay.

these

The Germans
had their County
Courts.Twice in a year
d.As in England,
so in Germany,
the Bishop and
Earl both sat
in the County
Courts.County Courts
every month in
Germany.Infra illum
Comitatum.Gryph. de
Weickl.
Sac. c. 66. n. 4.
Mallus mby so
called, ib. c. 65.
n. 1. 2.
Fliccamburch.Book II.
Part I.

these Meetings, and he that neglects to come, shall be punished fifteen Shillings. So it was here in the *Saxons* time *Doomesday* in the Customs of *Archenfield* in *Herefordshire*. *Si vice-comes evocet eos ad Sciremore, meliores ex eis Sex, aut septem cum eo vadunt, qui non vadit vocatus, det duos solidos vel unum bovem Regi; & qui de Hundret remanet tantundem solvit.* And there in the Customs of *Chester* *T. R. E. erant duodecim Judices civitatis & hi erant de hominibus* (Feudataries or Milites) *Regis, & Episcopi, & Comitit, horum si quis de Hundret remanebat, die quo sedebant sive excusatione manifesta x. solid. emendebat inter Regem & Comitem* and so in the Customs of other places in *Doomesday*, in the time of *Edward the Confessor*; there are *Mulcts* and Punishments to be found for such Suitors as gave not their Attendance at the County and *Hundred Courts*.

And further, as we had our * *Hundred Courts*, *Ll. Edgari*, before cited, *Ll. Ethelred c. 4. & leg. polit. Canut. c. 16.* So had the old *German*s, *Ll. Alaman. Tit. 36. §. 1. Conventus*, &c. let the Meeting or *Gemote*, according to antient Custom, be in every *Hundred* before the *Earl*, his *Commissary*, or the *Hundredary*, *ibidem §. 2.* Let the Court be from Saturday to Saturday, or what day the *Earl* or *Centenary* shall think fit, every seventh night when the Peace is not well kept, but when the Peace shall be better kept, then the *Hundred Meeting* shall be every fourteen nights. Every Free-man whatsoever he was, whether the *Vassal* of a *Duke*, or *Earl*, was punished twelve Shillings, if he came not to this Meeting.

Matters of less moment were determined in the *German* *hundred Courts*, as well as in ours, *Ll. Longobard lib. 2. Tit. 52. c. 3.* No man in the Court, before the *Centenary*, shall be judged to death, or to lose his *Liberty*, his *Estate*, or his *Slaves*; but all such things shall be judged before the *Earl*, or *Legate*, or *Commissioner*, that is in the County Court; where with them and us, the Titles of *Estates* in Land were triable.

And lastly, as we had our *Burghmotes* mentioned in our *Saxon* Laws last cited, so had the *German*s in their *Municipia*, *Burghs*, and *Cities* their Courts and Judges. Their *Burgaves* & *civitatis prepositi*, which Magistrate was sometimes called *Sculdais*, *Sculdais*, *Scultetus* or *Schults*, the *Tungreve*, *Burmester*, or *Burgomaster*, not unlike our *Major*, *Bayliff*, or *Alderman*; if the Cause were such as the *Sculdais* could not end it, he was to direct both Parties to their Judge, which was the *Comes pagi*, or *Earl* of the County, where the City or Town was, *Ll. Longobard lib. 2. Tit. 41. c. 1. 2.*

The Parity or Identity of Courts being shewn, the Method of proceeding in them shall be considered; the very Forms are not to be found, of what was done in the *Saxons* times. The Learned [3.] *Selfden* confesseth he could never find them. Some Conjectures I shall

(e) The old *German*s and *Saxons* reckoned their time by nights instead of days, and *Winters* instead of years; in some places of time we yet retain the Custom, as in seventh night, and fourteenth, or fortnight.

(f) In old *Germany* all Prays, Fighting, Wounding, Striving, Stealing, and all great Offences and Crimes were accounted breach of the Peace, so was it here amongst the *English* *Saxons*, and at this day with us.

L 2

make,

An Ox valued
at 1 s.* 12 times in a
year, Ll. Ed.
Conf. c. 35. Tit.
de Heretoch.Hundred Courts
in Germany.

e. f.

Matters of less
moment were
triable in the
hundred Court.And the great-
est matters
were triable in
the County.[3.] Prefat. in
Auth. decem.
fol. 43.

Book II.

Part I.

How the English Saxons proceeded in Judgment.

The men mentioned in the Saxon Laws, were no Fury-men, but Judges.

[4.] Lamb. fol. 94.

g. h.

The Germans caused appearance by Summons and Distress.

*The word Distresser, in the old German Law is used as in ours, to force men to appear in Court, or give satisfaction by taking a Distress.

i.

* Gryph, Weich. Sax. c. 64. n. 7. They occur often in the German Laws. † Coke in Hund. and County Courts, lib. 4 c. 15. 56. Free-holders Judges in County and hundred Courts. Notes. Judgment given by the Major and Assessors in some of our Corporations. Effoins robat and rebence that word.

make, what was done here, and shew the proceedings in Germany. 'Tis said in the Fourth of King *Ethelred's* Laws, made at *Wanateing Brompton*, col. 896. & *Habeantur placita in singulis Wapentachiis*; and let Courts be held in every *Wapentach* or *Hundred*, and let twelve of the most knowing (so I translate *Seniores* here) *Thanes* or *Free-men* assemble and meet with the *Centenary* or Governor of the *Hundred*, (so I render *Prepositus*) and swear they will accuse no Innocent person, nor spare one that is guilty. These twelve *Thanes* are commonly taken to be *Jurors* or *Jury-men*, and the other twelve mentioned in [4.] *Senatus consulto de Montic. Wall.* Six *Welch*, six *Englisch*, are taken to be a *Jury*, *ex medietate lingue*, to try the *Welch* and *Englisch* in those parts; but these left in the very Law are said to be *Judges* and *Lawyers*, and not *Jurors*, and were to be punished in their whole Estates, if they judged not according to Right and Equity, unless they could excuse themselves by pretending to be ignorant of the Law; and the other twelve *Thanes*, named in *Ethelred's* Law, were no other but *Judges*, or *Assessors* with the *Hundredary*, *Reve*, or *Prepositus*; and sworn with him to do every man right, and were the same with the *Rachinburgii* and *Scabini* of the *Germanis*, which were *Judges*, *Coadjutors*, and *Assessors* with the *Comes* and other inferior *Judges*.

The *Germanis* had two ways of proceeding, one by *Summons*, which in their Laws is called *Mannitio*, and that only in two cases, when the *Question* was about a mans *Liberty* or *Freedom*, as whether he was a *Free-man* or not, or when the Controversie was, concerning an *Inheritance*; in all other cases the *Earl* or *Comes* distrained them, and the proceeding was by * *Distressing* as from the *Comes* after *Summons*, (a method used this day in many, if not all of our County and *Hundred Courts* in this Nation) and if after the second *Summons* they appeared not, all their Goods were seized, *Ll. Longob. lib. 2. Tit. 43. c. 2. 4. Ll. Botoar. Tit. 6. Alfo qui ad Mallum legibus manni-* *tus fuerit & non venerit si eum Sunnis non detinuerit*, fol. 15. *culpabilis iudicetur*, &c. If any man, according to Law, was summoned to the *Mall*, and came not; if he had no excuse or impediment he was punished fifteen shillings, so the second, and so the third time; the fourth time he was in contempt, and his Possessions were seized until he appeared and gave satisfaction in the matter for which he was summoned, and if he had no propriety of his own, his Fee, if

(g) They were Assessors to the *Comes* in his Court or Mall, so called from the *Saxon* *Rechts*, a Cause, and *Burgus* a Burgh or City, as if we should say a City Judge; they are often mentioned in the *Salic*, and *Ripuarian* Laws, as Assiliants to the *Grafio* or *Comes*.

(h) So called from the * *Saxon* *Scheppen juber, monere*, and were Assessors also with the Count, and sometimes, as Officers under him, judged Causes. A shadow of these we retain still in our † County and Hundred Courts, where the Free-holders, *Señiores curie*, Free-Suitors are Judges, and Judgment cannot be given in the Court by the Sheriff, but in the presence of two, three, four, or more of Free-holders, which is now holden sufficient to litle them to be Judges, and the Judgment there given. In some also of our Corporations there are Assessors, with the Major or chief Magistrate, as in *Cambridge* Judgment is given by the *Major* and *Balliffs*, which are four in number, besides the *Aldermen*, &c. And we find in the Customs of the City of *Chester*, in *Domesday* there were twelve Judges of that City, in the time of *Edward* the Confessor, which were the men or Feudatories of the *King*, *Bishop*, and *Earl*.

(i) *Junius* an Impediment or excuse, hence the *Barbarous* Latin *Excusa*, and the French *Excuse*, and from them it came into our Law, and in calling and pleading *Excuse*, a great part of the Art of our old Law was contained.

he

he had one, was seized. The first *Summons* was upon a weeks notice, the second a fortnight, the third three weeks, and the fourth 42 nights, or six weeks. The *Summons* was thus made; he that summoneth another man, went to his House with Witnesses, and summoned him in his own Person, but if he found him not, he gave his *Wife* notice, or any of his Family, that they should tell him he was summoned, which was sufficient, *Ll. Salic. Tit. 1. §. 3.* and in many other Laws, 'tis probable the *Comes* made his *Summons* by a *Writ* or short writing, in manner of a Citation, a Form of which is extant in *Marculphs formula*, n. 116.

As to the *English Saxons*, Mr. *Lambard* [5.] thinks their proceeding in Judgment was *de plano*, and without *Solemnity*; they used, for ought he could observe, not to call the parties by writ or writing, but sent for them by certain Messengers or Ministers, such as we from the *Normans* call *Serjeants*, from the Latin *Serviens* a Servant, and if they did use any Writs, 'tis strange the Forms of some of them should not be found in the *Leigers*, or Books of some of our old *Monasteries*, or in some of our old *Historians*. Yet one there is in *Spelm. Gloss.* cited out of the Book of *Ramsley* in *Hardy-Canute's* time about 1041. A possessionary Writ to the *Burgers* of *Thetford*, by which he willed and commanded, that *Ethelstane* Abbat of *Ramsley*, should have his House or Farm in *Thetford* in *Norfolk*, as fully and freely, &c. But this seems to be of a later date, and made after the *Norman* mode by the file of it, and put in here to secure the Title.

Though we have no clear examples of the Process and Judgments here in the *English Saxon* times, yet we find some very ancient amongst the *Germanis*, by which we may receive some light perhaps, how they proceeded in this Nation. [6.] One *Hrothelm* comes to the publick Mall, for the hearing of all Causes holden by *Humfrid* Earl of *Rhetia*, in his Court in the Fields, the Seventh year of the Empire of *Charles* the Great, Anno Dom. 807. or thereabouts, complains to the *Comes*, and claims a House unjustly withheld from him. The Earl calling together the Witnesses, which were of the very Country where the House was, and charged them upon their Oath, that they should speak the truth, what they knew in that cause. And they said they knew the bounds of the House, and the ground that one *Mado* had bordering upon it, and they set out the bounds of the Houses and Land, what belonged to *Hrothelm*, and what to *Mado*, then he commanded them to go upon the place and shew the bounds, which they did, and fixed the bounds between the two dwellings, as they had said, and the Earl directed many *Nobles*, there present, to go with them. This being done, the *Comes* asked the *Scabins* what they would Judge in that Cause, and they said, according to the Testimony of those men, and his Inquisition, and Judgment was given accordingly. These are the Names of the Witnesses or Jurors, *Valeriano*, *Burgolfo*, *Orfone*, *Stefano*, *Majornio*, *Valerio*, *Leontio*, *Vitfore*, *Mawrestone*, *Frontiano*, *Florentio*, *Siptone*, *Valentiano*, *Quintello*, *Stradaris*. These are the Names of the *Scabins*, *Flavino*, *Orcifino*, *Odamaro*, *Alexandro*, *Eusebio*, *Maurentio*, and very many others. See the Judgment its self in barbarous provincial Latin.

Book II.

Part I.

How Summons were made.

[5.] Arch. p. 64 65.

[6.] Appendix The Form of a Judgment in old Germany.

N. 1. 2. 3. 4. 5. in append.

And

Book II.
Part I.

Testes and Jurors the same. In pago vel civitate. It was for of men the Testes were to be.

And that these *Testes* were the same we call *Jurors* or *Jury-men*, is evident from the *Laws* of the *Longob. lib. 2. Tit. 51. de Testibus*. The best persons in every Territory or City against which there was no Crime, were to be Witnesses, c. 3. The *Comes* or *Judges* were to admit none of ill Fame in their Country to be Witnesses, c. 7. *Witnesses* not to be of any other County (*nisi de illo comitatu*) where the things in Controversie were, because it was presumed none could know better the State and Condition of a man, whether Free or a Slave; or the Possession of any man, better than their neighbours, such as were nearest them, c. 11. Such Free-men only as had a Propriety of their own, were admitted to be Witnesses, and not *Tenants*, or such as resided upon their *Lords Lands*, and had no Propriety of their own, yet such might be *Conjurators* of other Free-men, because they were Free-men, c. 15. *Capit. Car. & Ludov. lib. 5. c. 150*. Now let any man consider these qualifications of their Witnesses, and he must think them the same with our ancient *Jurors* or *Jury-men* in *England*; for Witnesses in private Causes between man and man, could not be capable of these circumstances; and that in all probability *Jurors* were used all old *Germany* over, before we had them here: And also that the twelve *Thanes* mentioned in *King Edgar's Law*, were *Scabins*, inferior *Judges* and *Assessors* with the *Aldermen*, and not *Jurors*. Somewhat like our *Justices of Peace* at our *Affizes*.

Before the Conquest, and at the time of making the *Survey* on *Doomesday-books*, the *Jurors* here, were also called Witnesses, *Ll. Canut. polit. c. 76*. he that hath defended or secured his Land by the Testimony or witness of the County, be *Scire Gewitness*, and in *Doomesday* the Verdict of the *Jury* is often called the Testimony or witness of the County or Hundred, *Clamores de Eurwiescire North Treding homines qui Juraverunt Testantur quod Terr. Havard. in Eurwiescire tenuit Ws. Mallet, &c. de omni Terrâ Ase testantur quod Roberti Mallet debet esse. Clamores in North Tredinge Lincolnie Testatur Wapentach. & totus comitatus, quod Episcopus Dunelm. debet habere, &c. Norff. Terra Sanctæ Aldred. Hundr. & dimid. de Clatselosa in Photesthorpâ, sed totus Hundredus Testatur cam fuisse T. E. R. ad Sanctam Adeldred. Hantescire Andov. Hundr. in And. hoc Testatur Hundr.* So in *Doomesday*, evere where the Hundred witnesseth or testifieth this, the *Wapentach* witnesseth or testifieth this, or the County witnesseth or testifies this or that, which were no more than the *Juries*, or men of the Hundred or County, that were summoned, sworn, and gave in before the *Commissioners*, (that took them) the Particulars of the *Survey*. And of such indeed Witnesses, did our *Juries* consist sometime after the Conquest, for in *Glanvills* time, [7.] none were admitted to be of a *Jury*, that knew not the truth of the thing in question, and by their own proper view, or sight, and hearing, had had knowledge of it: Few *Laws* in these elder times, concerning *Lands* either here, or in *Germany*, as I noted before, and the reason was, that most part of the *Lands* being then, *Beneficia* or *Fees* held in *Military-Service*, they were held and governed by such Customs and unwritten *Laws* as were not any where published, except in one or two fragments. And all other Rights concerning them, were only handled in their *Lords private Courts*.

Above

Above all these Courts, the *King* had his Court, *Ll. Edgar. human. c. 2. Ll. polit. Canut. c. 16*. where no man might Appeal, unless he could not have Justice done him in the *Hundred* or *County*, and then it was to him both a Court of Law and Equity, if he could not have right at home, or if that right were too heavy for him, then let him seek to the *King* for ease, to the *King* himself, that he might have the rigor of the Law mitigated by the Conscience of the *Prince*, the same Law, and the same Court, and Power of the *Prince* was amongst the old *Germans*, *Capit. Car. lib. 5. c. 14. & c. 141*. In their *publick Malls*, their *Charts* of the Sales of their *Estates*, *Donations*, and *Traditions*, (so they called some *Donations* and *Sales*) to *Religious Houses* and *Monasteries* were confirmed. See *Chartæ Antiquæ in Antiquitat. Alaman. Tom. secundo parte prima & Antiquitates Fuldenfes lib. 1*. where are many Instances to be found amongst those *Chartes*, *Traditions*, or as we may call them, *Deeds* and *Conveyances*. See *Vadianus Tom. 3. fol. 44, 71. Antiqu. Alaman. by Godalf.* who says, the consent of the *Comes* was required to all *Donations*; to *Monasteries*, lest such *Lands* might be given them as paid Rent to the *Prince*, and by that means his Revenue might be injured.

And conveyances of Land in our *Englisch Saxon* times, [8.] were entered in the *Shire-book*, or Recorded in the *Hundred*, perhaps for the better Security of their *Estates*: And their *Morgages* likewise, or how should the *Hundred* or *County* present before the *Commissioners* for making the *Conquerors Survey*, that such and such *Lands* were mortgaged, and the Sum for which they were engaged, *Terra invadati*, with the Sum for how much and to whom expressed, which I have seen in *Doomesday* more than once, but do not remember the places; and that it was so here after the Conquest, it not only appears by what *Bratton* says, fol. 38. n. 12. but it is evident also from the Witnesses to our ancient *Deeds*, which were commonly the best men in the Country, and living in divers Towns and Places somewhat remote, as *John* of such a Town, *Thomas* of another, and *Richard* of a third, &c. who 'tis probable did not meet to be witnesses to a Conveyance of an Acre or two, or some small parcels of Land, but they being Suitors to the County, or *Hundred Courts*, and bound to attendance there, those *Deeds* or *Charts* were brought thither, and witnessed in open Court.

E As there was an agreeableness in their *Laws* and Courts, so was there a likeness in their *Judges* and chief Officers. Comes in the Latin version of the *German Laws*, and *Aldermannus* in the *Englisch Saxon*, was the general word by which they expressed their *Judges*, or at least those which were *Counts* and *Aldermen*, were also *Judges*, and under one Name executed two Offices, one of a Governour of a County, *Shire*, or *Province*, the other of a Judge of the same; our old Latin Historians translate the *Saxon Ealderman*, by *Regulus*, *Subregulus*, *Patricius*, *Princeps*, *Dux*, *Comes*, and *Consul*, and it was expressed by every of these Latin words, according to the way of those times, *Seld. Tir. Hon. fol. 502*. The *Shireveve* or *Earl* was called *Aldermannus Comitatus*. The chief Magistrate of a City, chief Officer of a *Burg* or Town, and the Constable of a Castle or *Castellan*, was called *Aldermannus Civitatis*, *Burgi*, vel *Castelli*, and the Centenary, *Hundredary*, or chief Officer of the *Hundred* or *Wapentach*, was called *Alder-*

Book II.
Part I.

An Appeal to the King's Court when Justice could not be done other where.

Charts and Donations signed in publick Malls and Conventions. See Chirographum, Testamentum, Chartæ particule vel parcelles Chartæ indentate, Indenture. In use in old Germany and old France, before known in England. Mobilion, dere Diplomatica, lib. 1. c. 1. [8.] Somners Gaves, p. 87. Conveyances of Land entered in the Shire-book; They also and Morgages Recorded in the Hundred.

The German Judges and Officers like to the English Saxon Officers.

Aldermannus a general word for many Officers.

[7.] Glanv. l. 2. c. 17.

Few Laws in elder times about Lands and Possessions.

Book II.
Part I.

Aldermannus Hundredi, five Wapentachii. Spelm. Glossar. in verb. Aldermannus.

[9.] Hottom.
in verb.

This word in its signification, imports no more than *Senior* or *Elder*, or as it was corrupted in the Provincial *Latin*, *Signior* or *Seignior*, which in the [9.] Feudal Law signified *Lord* or *Patron*, who had his *Fendataries* or *Vassals*, which were obliged to him by the *Donation* or *Tenure* of *Fees*. And its more than probable, that seeing most of the degrees of *Nobility*, and men of *Power* were expressed by this word *Ealderman* in the *Saxon* times, that it was much used here in the same sense that *Seignior* was in *Italy*, *Germany*, and the *Roman* Provinces, for a *Lord* or *Patron*, and sometimes for a great or *Royal Vassal*, which held immediately of the *King* or *Emperor*, sometimes for such other *Vassals* (though not of the meanest rank) that held of them, and sometimes for meer ministerial Officers.

Thegn or
Thane what.[1.] Seld. Tit.
Hon. 18. 507.
108, 515.
Personal.
K.

[2.] Ibidem.

Forlas &
Thegnas.[3.] Ibid. fol.
518, 519.Comes a gene-
ral word for
many Officers.Grave answers
Comet.Grand Ser-
jeanty, what.

Which later by our *Saxons*, were often called *Thegns* or *Thanes*, and by those Names, and in the *Latin* Versions of them, by the name of *Minister*. They are often found in the Subscriptions of ancient Charters of the *Saxon* Kings after the *Principes*, *Duces*, and *Comites*. The chief of which were the *Kings*, [1.] *Feudal Thanes*, or *Tenents* in * grand Serjeanty, or Knights Service in chief. These had large Possessions for their personal Services, had honorary Dignity, and were part of the greater Nobility of those times, and were commonly named and mentioned in the *Saxon* [2.] *Annals*, and Story with *Earls*; as also in Charters of the *Saxon* Kings. The *Saxon* words *Eorlas* & *Degnas*, being by *Florentius* of *Worcester Huntingdon*, *Hoveden* and our ancient Historians, translated *Comites* and *Barones*, *Earls* and *Barons*; and the Writers after the *Normans* coming, either received *Thegn* translated by *Baro*, or used so to translate it, where they met it in the *Saxon* Story. These [3.] *Feudal Thanes*, or such as held of the King in chief by Military-Service, were of the same kind with them that were after the *Normans* *Honorary* or *Parliamentary Barons*; and their *Thainlands* only were the *Honorary Thainlands*, and such as were afterwards *Parliamentary Baronies*.

But to return to our Parallel, from whence we have somewhat digressed. *Comes* was as general a word among the *Roman* Provincials, and in the old *German* Laws, for a Person of absolute Power, a Governor, or Ruler of a Province, City, Burgh, or Castle, or for an extraordinary, or sometimes lower Judge, as *Ealderman* was with the *Englisch Saxons*, and as *Greve* or *Grave* was amongst the *German*s. Hence *Comes* *Pagorum*, *Provinciarum*, *Civitatis*, *Limitum*. A Count of a *Pagus* or Country, a Count of a Province, a Count of a City, a Count of the Borders or Marches against an Enemy. To which do answer the *German Gave* or *Gograve*, *Land-*

(k) *Grand Serjeanty* or *Grand Service*, is a Service that cannot be due to any Lord from his Tenant, but to the King only, because what is to be done, he ought to do it in his own Person. As to be *General of the Kings Army*, to bear the *Kings Banner*, his *Sword*, his *Spear*, or other Weapons: And to bear the Office anciently of *Marshal*, *Constable*, or *Champion*; to follow the *Kings Banner* or *Standard* within the four Seas, to give notice of the Irruption of Enemies by sound of *Trumpet*, *Horn*, &c.

grave,

grave, *Burgrave*, *Marchgrave*, and *Gravia* in Barbarous *Latin* for *Comitatus*, in *Saxon* and *German* *Grafscast*. And as *Comes* often signified a Judge, as he did preside in giving judgment; so [4.] Judges in the ancient *Saxon-language* were called * *Graven*.

These Dignities of *Dux* and *Comes*, *Duke* and *Earl* or *Count* were translated from the old *Roman* to the *German* Empire; being found in the *Constitutions* of *Emperors*, and other Writers before the *Goths* and *Lombards* over-ran those Countries; nor is it probable the *Roman* *Emperors* did frame their Court according to the Model of *Barbarous Nations*. Seld. Tit. Hon. p. 2. n. 22. Befold. Discursus polit. 4. c. 4. n. 1. They were first officary, afterwards had Feuds or Fees annexed to them during the pleasure of the Donors only. About the time of the declining Empire, they became Patrimonial and Hereditary, Seld. ibid. n. 23. Befold. ib. n. 12.

Fees became first Hereditary in *Germany*, about the time of *Otho* the Great, Anno Dom. 970. that is descended to the Illue Male of him that was first invested with them. And afterwards under *Conradus* *Salicus* about 1030. to Grand-children, &c. Seld. ut supra. And in *France* *Dukedoms*, *Earldoms*, or *Counties* and *Baronies*, were of old Names of Office and Government only, and not of Patrimonies, and might be revoked at the pleasure of the Prince; certainly they did not then belong to the Heirs of *Dukes* and *Earls*, &c. The first was *Hugh* * *Capet*, who to draw to him the affections of the Nobility, by whose help he had, without right, obtained the Kingdom of *France*, that made them perpetual, and then afterwards other small Fees passed to their Heirs, whilst they were Knights or Soldiers, Hottom. in Feud. Disput. col. 845. A. B.

Before the year of our Lord 900. in the Reign of King *Alfred*, *Earldoms* or *Counties* were here given and revoked at the Kings pleasure, for he accusing his *Earls* and *Governors* of Provinces, which they had received of his Gift, of Ignorance, threatned to displace them, if they did not take care to be more learned and knowing in such matters as they had cognisance of; they affrighted at his Menaces, though some of them old and very ignorant, yet rather than part with their *Earldoms* and *Places* of Power, they earnestly apply themselves to Study, that they might make themselves capable of understanding what was just and equal, Asser. de Gestis Alfredi. fol. 21. n. 20, 30.

Their Possessions here in those times, were sometimes whole Counties, sometimes parcels of Counties, sometimes a whole Kingdom, as it was in the *Heptarchy*, sometimes more, sometimes less, which much depended upon the King's pleasure, Seld. Tit. Hon. p. 2. c. 5. n. 3. Besides these Possessions, they had a third part of the

(*) *Befoldus* derives *Graven* (and perhaps truly) from the *German* *Graven*. *Casi*, or gray-haired; as if a man should say, *Seniores* ancient men, or *Senators*: And by Interpretation, *Nobiles principes* & *Optimates*, *Noble*, the Chief, or best men. The *Romans* were frequently first *Patres* & *Senatores*, *Fathers* and *Senators*, then *Comites* or *Counts*. This agrees with our *Ealdormen* or *Seniores*, *Oldermen*; which denoted here our chief Governors and Officers under the *Saxon* Kings.

Book II.
Part I.
[4.] Witch-
bild. Saxon.
Gryph. c. 61.
n. 10.
*

Fees when first
Hereditary in
Germany.

Earldoms and
Baronies not
Patrimonial in
France before
Hugh Capet.

* Capet was
anointed July
30. 937. and
died 22. Nov.
996. or 998.

In K. Alfred's
Reign, Earl-
doms were not
Hereditary in
England.

Discursus po-
lit. 4. c. 4. n. 3.
Grave whence.

Book II.
Part I.

The third part
of the profits,
&c. due to the
Earl.

So it was in
Germany.

Orders of men,
the same in Ger-
many as in En-
gland.

l. m. n.
o.

Lib. 2. rerum
German. c. 3.
frequency of
Slaves when
first in Germa-
ny.

Profits of the Shires, and of the Mulcts, and Forfeitures, as every where may be seen in *Doomsday*, in the time of *Edward the Confessor*. For the third Penny of Forfeitures, take one instance for many in the Customs of *Cheshire*, *Lincolnshire*; if any one brook the Peace that was granted by the Earl at the Kings command, of the hundred Shillings which were forfeited for that, the Earl had the third Penny. So was it in *Germany*, the Earl had the third part of the Pleas, Mulcts, Punishments, or Composition due to the Crown, or Palace, if he did his Office vigorously; but if he were negligent he had nothing, *Ll. Longobard. lib. 1. Tit. 2. c. 10.* who desires to be further satisfied in the various acceptations of *Dux*, *Comes*, *Aldermannus*, *Grave*, &c. may see *Seldens Tit. Hon. p. 2. c. 1. Hottom. in verb. Feud. Spelm. Glossar. verb. Aldermannus. Lindinbrog. Glossar. Befeld. discurf. polit. 4. c. 4. Cassiodor. formid. lib. 6.* Towards the end and in many other places.

Nor did we resemble only, and receive from the old *Germans* and *Saxons* our Laws and Magistrates, but the ranks and orders of our People also. The *Saxons* had their *Edlingi*, *Frilinggi*, *Frilazt*, *Frilazti*, *Nobiles*, *ingenui Libertini*, or *Manumissi*, & *Servi*; *Noll-men*, *Free-men*, *manumitted Slaves*, such as had obtained their Freedom, and Servants or Slaves. *B. Rhenus* tells us the frequency of Slaves in *Germany*, was after the Battle of *Tollbacum*, now *Zulch* in the Dukedom of *Juliers*, wherein *Lewis the Great King* of the *Franks* totally subdued the *Almans*, and all *Germany* beyond the *Rhine*, *Anno Dom. according to Sigebert Gemblacensis, 499.* and brought most of them into *Slavery* and *Servitude*, some of them were *Servi fideles* or *Fiscalini*, whose Bodies and Estates belonged to the King's Revenue; others were *Servi Ecclesiastici*, Ecclesiastick Slaves, such as were given to Monasteries by the King, his Dukes, or Earls; and hence those Prestations and Payments of the best Beast in the Stable, or best piece of Household-stuff, at the death of the Master of the Family, to many Abbats, who by the liberality of the

(1) From *Edel*, or *Eikel*, noble, and *ling* or *ing* a Patronymick, as some, or a Termination only, as others would have it; generally it signified all sorts of the Nobility, but strictly with us, the Kings eldest Son, and Heir of the Kingdom.

(m) From *Fri Free*, and the same Termination.

(n) From *Fri Free*, and *Lazt* a Slave.

(o) They were called *Manumissi*, because put or delivered from one mans hand to another; he that manumitted or made Free his Slave, delivered him into the hands of a Free-man, and he into the hands of a third, and he into the hands of a fourth Free-man; and the fourth led him into a place where four ways met, and said to him, the other being witnesses, here are four ways, and you have free power to walk in which you will, *Ll. Longob. lib. 1. Tit. 35. c. 1.* Other ways there was of *Manumission*, or making men Free by Will, *Ibid. Tit. 18. c. 3.* by Charter or Deed, *Marculph. form. n. 89, 90, 91, &c.* by striking a *Denarius*, or piece of Money out of the Slaves hand, *Pe. chart. Alaman. Goldst. n. 7.* and several other ways: From the two last, the manumitted Person was called *homo chartularius*, or *homo Denariatus*, *Ll. Longob. lib. 2. Tit. 35. c. 11.* And as there was several ways of being made Free, so was there several ways of becoming Slaves. By birth when they were born of such Parents; others sold themselves into Slavery for a price agreed on between them and their Patrons. Others having been condemned to death, were redeemed from it with a price, and in satisfaction of the Debt, became Servants or Slaves to him that paid the Money. Others, through Want and Poverty, not having wherewith to feed and cloath themselves, *Marculph. Formid. n. 134, 135, 136, &c.* Others for Stealing both here and in *Germany*, as a Punishment to them, were made Slaves, *Ll. Inc. c. 7. Ll. Burgund. Tit. 57. §. 1, 2, 3, &c.* the same Laws in both places.

French

French Princes, enjoyed many Servants or Slaves in his time. *B. Rhenanus* in the place before cited. All these sorts of People were amongst our *English Saxons*, though by other names. The Nobility were called *Sapientes*, *Witen*, *Ealdermen*, *Cynings*, *Thengs*, *Eorles*, *Hlafords*, &c. The Free-men most commonly called *Freoh*, *Slave* or *Servant* * *Freot mon*, a freed-man, or man made Free. *Sommers Saxon. Dictionar. in verb.* the first three sorts occur often in the *Saxon Laws*, and the last in the eleventh and twelfth Chapters to the Preface of *Alured's Laws*. That very many Servants and Slaves there were here in the *Saxons* times, before the Conquest, may be proved from *Doomsday-book*, which the *Normans* in their Latin called *Villani Bordarii Servi*, &c. And without doubt many there were of the *Liberts*, or such as were made Free, seeing no body would be a Slave or Servant that could procure his Freedom.

The *German* Servants or Slaves could not better their condition; what they got and wrought for was their Patrons, they might be given away, changed, or sold, *Godalf. Antiq. Alaman. Tom. 2. Chart. 3, 4.* And 'tis not to be thought their condition was much better here, for it should seem by some of our old *Saxon Laws*, that the very Free-men of ordinary condition, had their Lords or Patrons, and were not absolutely or independently free to do what they would, *Ll. Ina. c. 3.* If a Servant, Drudge, or Slave work upon a Sunday by his Lords command, let him be Free. If a Free-man works the same day without his Lords command, he shall lose his Freedom or sixty Shillings. And in several places of these Laws, Free-man and Lord are mentioned as relatives; and so it was in old *Saxony*, that Free-men were under the Protection of Noble-men, *Ll. Saxon. c. 16. Liber homo qui sub tutela nobilis cujuslibet erat qui jam in exilium missus, si hereditatem suam necessitate coactus, vendere voluerit, Tutori suo offerat.* If a Free-man that was under the Protection of a Nobleman, was banished, and forced to sell his Inheritance, let him first offer it to his Patron; to the same purpose there was a Law amongst the *West-Goths*, *lib. 8. Tit. 1. c. 1.* The State and condition of an ordinary Free-man in *Germany*, seems chiefly to relate to his works or labor. By which we may take notice of the condition of a Servant, which could not do as he did, but his Patron or Master received what he had for them. *Liber homo qui statum suum in potestate habet, & pejorare eum & meliorem facere potest, atque ideo operas suas diurnas Nocturnasque locat, Capit. Car. lib. 3. c. 79.* A Free-man which hath his State or condition in his own power, may make it better or worse, and therefore may dispose of it, or take Wages for his night or day labor, which a Servant, Villain, or Slave could not do. Nor were the *English Saxon* Free-men of such an absolute free condition, for that they stood constantly bound to their good behaviour; for King *Alfred* instituted Hundreds and Tithings, and contrived every Shire into such Portions and Divisions, that every *English* man living under Law, might be in some Hundred or Tithing;

M 2

Book II.
Part I.

* *Thower*.
* *Freeman*.

Servants their
Condition in
Germany.

Free-men had
their Lords and
Patrons in old
England.

Free-men had
their Patrons in
old Germany.

The State and
Condition of a
Free-man in
Germany.

Saxon Free-
men were con-
stantly bound to
their good be-
haviour.

Book II.

Part I.

P.

P Tithing; and if he were accused of any Transgression, he should forthwith bring in some one of the same Hundred or Tithing, that would be his Surety to answer the Law; but if he could find none such to undertake for him, then to abide the Severity of the Law; and if any guilty Person should fly before or after his giving such Security, that then all within the Hundred or Tithing should be fined to the King, *Malmsb. fol. 24, a. n. 40.*

These were the Divisions of Shires into Hundreds and Tithings, but where to fix the first Division of the Nation into Shires and Counties, I find not. [5.] *Inguilph* was mistaken when he fixed it upon this *Alfred*, who began his [6.] Reign *Anno Dom. 871.* for in *Asser. Menevensis, fol. 2. n. 10. & n. 50.* we read of *Ceorl* Earl of *Devonshire*. *Eanwils* Earl of *Somersetshire*, and *fol. 4. n. 40.* *Ofrie* Earl of *Hantsire*, and *Ethelwolph* Earl of *Hereofshire*, in the Reign of his Father *Ethelwolph*, and his Brother *Ethelbert*, before him in the years 851, 855, & 856.

Further the Agreement between the old *Germans*, and our *English Saxons*, in the manner of making their Laws, is worthy notice. In the second year of *Gundeald* the most glorious King of the *Burgundians*, about the year of Christ 500. those Laws were made [7.] *cum concilio comitum & procerum*, with the advice of his Earls, Counts, and Nobility, whereof 32 *Comites* there named. The *Alaman*. [8.] Laws were made or renewed in the time of King *Clotharius*, between the years of Christ 5 and 600 together, with the advice of 33 Bishops, 34 Dukes, and 72 Earls or Counts. The like we have in the Prologue to the *Bavarian* Laws, made about the same time by *Theodorick* King of the *Francs*, and perfected by *Clotharius*, with the assistance of his Princes, and all Christian People within his Kingdom; where we may note that *Populus* here and in the Title to the *Alaman* Laws, signifies only the Nobility of lesser note, that is, of an inferior Order, to Dukes and Earls, or Counts and not the People in general: Under *Caroloman Dux & princeps Francorum Anno Dom. 742.* there was a Synod held, and Laws made, most of them Ecclesiastical; *concilio Servorum Dei*, that is, as he there expresseth it, by the advice of his Arch-bishops, Bishops, and Presbyters, & *Optimatum suorum*, and of his Nobility. The same year in the Kalends of *March*, he held another *Conventus Synodalis*, or *Synodal Convention*, where all the former Decrees of the last Synod were confirmed by the venerable parts of God, as also by his Earls, Counts, or Prefects, *lib. 5. Capit. Car. & Lud. c. 2, 3.* The *Salic* Laws

(p) Tithings, so called where ten men and their Families were cast into a Society, all of them being bound to the King, for the peaceable and good behaviour of each other of their Society. Of these there was one principal Person, who from his Office was named *Tienheofol* or *Tenningmen Decurio*, *Capitalis Frioribut*, or *Plegius*, the head *Ten man*, or the head pledge or *Frioribut*, so called from *Fri* free and *borgh*, Surety or Pledge, and signifies no more than a free Pledge (the *servi* Slaves and Villains being under the power and care of their Lords.) Hence our word *nigh borgh*, or as we now write it *neighbour*, for *Pleign* our next Pledge, a Surety that lived near us. The Office of the Tithing-man, or head *Ten man*, as appears by *Edward* the Confessor's Laws, was to determine of smaller matters there specified, between neighbours and such matters and trespasses as belonged to their Farms. We have at this day the word left only in our Court-Barons, and Leets, that is *Deciner*, *Disner*, or *Desner* for *Decennus*, one of the *Decenns*, a *Hand-borh*, or inferior Pledge, See *Spelm. Glossar. in verbo Handborowe.*

were

were made in [1.] *Mallo*, in the publick Convention, and were by *Charlemain* caused to be written *Anno Dom. 798.* The manner of making our *English Saxon* Laws, exactly answers this, [2.] *Ina* King of the *West-Saxons*, who began his Reign *Anno Dom. 712.* made Laws at the request, and by the advice of *Cenred* his Father, *Hedda* and *Erkenwold* his Bishops, all his *Ealdermen* or *Senators* *RAM TLDERTAN WITAN MINRE THEODE* and of the *SELTDERAN* or Eldest 4 wife men of his Nation; and according to this method, were the Prefaces or beginnings of all the *Saxon* Laws.

And as according to this manner, all the considerable people of the *Germans*, had their own Laws agreeing generally in many things, though different in some particular Usages and Customs. So without doubt had our *English Saxons* under the *Heptarchy*, every Kingdom whereof, having been reared and erected, either by a different people from *Germany*, or else by the same people under divers Leaders, who were invited hither, and became sharers of the Nation, and established Laws either according to the Laws of the Country from whence they came, or their own Dictates what they thought most fit and expedient. In process of time all these Laws became merged, and by coalescence, had the Titles only of the *West-Saxon* Law, (And after the *Danish* Invasions and Dominion) of the *Danish* Law, and the *Mercian* Law, which had its denomination from the *Mercians*, and was indeed no other than the Law of that Kingdom, as the *West-Saxon* Law was the Law of that Kingdom, and the *Danish* Law the Law introduced by the *Danes*, while they had the Dominion in the whole, or some parts only of the Nation, yet perhaps the several Kingdoms of the *Heptarchy*, nor the greatest part of them, were constantly governed by the same Law, but sometimes by one, sometimes by another, or many of them had one and the same Law; for *Mercia* in the Reign of King *Ethelred*, was governed by the *English* Law, as may be seen in the Preface of his Laws before cited, that is, the *East-Angle* Law, which was in all probability most *Danish* at that time.

(q) *Sapientes & Prudentes*, wise men [3.] *Hottoman* interprets to be Lawyers, or men skilled in the Laws. Sometimes it might be so in the Feudal and other Laws, and the places by him cited, being called by the Legislators by way of advice and Counsel. But in our *Saxon* Laws, the *Sapientes* or *Witens* were divers times taken for the whole Baronage or Nobility, as I may lay: And in this sense it is used in the 49. Chapter of the Preface to *Alfred* Laws. Where if *Sapientes* or *Witens* signified only men skilled in the Laws, then were none of the temporal Nobility present at the making of those Laws, unless perhaps they were the Lawyers meant by that word, as being many of them Judges and *Justiciaries* at that time. King *Edgar*, who began his Reign 959. prefaceeth his Laws thus. This is *Seo geradniste*, *The Edgar Cyno mid his Witens gebede gerad*, &c. which literally is to be thus translated. This is the Constitution or Ordinance which King *Edgar* made to be thus translated. This is the Constitution or Ordinance which King *Edgar* made with the Council and Advice of his Wise-men. The same Preface is to the Laws of *Ethelred*, who began his Reign 979. made at *Woodstock* in *Mercia*, which was then governed by the *English* Laws, that is, the Laws of the *East-Angles*. Also the *Senatus-consultum* *Waltie* hath the same Preface. And the Laws of *Cnut*. Likewise both Ecclesiastical and Humane. Now in all these Prefaces *Witan Sapientes*, Wise-men must be taken for, or meant of the Bishops and Nobility, or they were not present at the making of these Laws, which no man can believe, that considers how many Ecclesiastical Laws there are amongst them, and Laws relating to the worship of God, and a holy life, that were never made without at least the advice of the Bishops.

Book II.

Part I.

[1.] Preface ad L. Salic. The English Saxon Laws bornate. [2.] Lamb. in L. Saxon. and Thun ylderlan Witan Mare Theod.

q. The several Nations in Germany had different Laws. So it was in our English Heptarchy.

In Process of time all the Laws were called the West-Saxon Law. The Danish and Mercian Laws why so called.

The several Kingdoms of the Heptarchy not governed by a distinct Law.

[3.] In verb. Feudal in verb. Sapientes in our Saxon Laws signifies the Temporal and Spiritual Nobility, or Bishops Earls, Thengs, &c. There is no particular mention of any *Allemen*, *Earles*, *Cerfes* or Bishops, or other sort of *Saxon* Nobility, and yet without doubt they assisted in the making of all the Laws which proceeded or followed these Prefaces, in only it was done with the advice of his Wise-men.

And

[5.] Hist. Grog. land, fol. 595. b Lond. Ed. [6.] Asser. in vita Alfred. fol. 7. n. 50.

The manner of making the English Saxon Laws and German Laws the same. [7.] Preface ad L. Burgund. [8.] Preface vel Tit. ad L. Alaman.

'Tis not to be supposed that all the Christian men, or 100 men in his Empire, were advising or assisting in, or any ways knew of, or were consulted, in the making of, or establishing those Laws.

Spelm. Glossar. in verbo.

te. 2.

Book II.
Part I.

The old German
and English Saxons
secured their
Lands by great
Ditches.
[1.] Adelm.
ant. An. 718.
[2.] Olaus
Wormius,
fol. 55.

And as in Laws, legal Customs, and Usages; so likewise they agreed in other things and Practices. The old Germans or Saxons were wont to defend and secure their Bounds and Limits by great Ditches; such was the Saxon Ditch or Vallum, that King Pipin [4.] forced, and by which he entred Saxony, after a stout defence the Saxons made upon it, to keep him out of their Country. And that also, called [5.] *Dane-Werke*, erected by the Danes as a Boundary and Defence against the Saxons, made of Earth and Stakes in *Island*, or rather the Dutchy of *Shelwick*, from the River *Sly* on the East-Sea, to the West-Sea, a large Description whereof may be seen in *Olaus Wormius* above cited.

Offa's Ditch.
[3.] fol. 37. 39.
[7.] Britan.
fol. 478. Rad.
not-thire.

Like unto these we had in *England* Offa's Ditch, which *Asser* in the Life of [6.] King *Alfred*, calls *Vallum*, and says, that between the *Brittains* and *Mercians*, it reached from Sea to Sea. [7.] *Cambden* tells us, this Ditch was made by Offa King of *Mercia*, as a Boundary and Defence of his Kingdom of *Mercia* from the *Brittains*; that it was in length from the mouth of the River *Dee*, to the mouth of the River *Wye* above 90 Miles, and that *Harold* made a Law, that whatever *Welsh-man* was found on the English side of it with a Weapon, should have his right hand cut off. *Speed* in his general Description of *Wales*, says it began at *Basinguerke* in *Flint-shire*, and passed to the South-Sea near *Bristol*, in length about a hundred Miles; and that the Country between this Ditch, and the Rivers *Dee* and *Wye*, were called the *Marches of Wales*.

Wans-ditch.
[8.] Camb.
Wills. fol. 176.

In the West of *England*, there was another Ditch called *Wans-ditch* or *Wodens-ditch*, passing East and West through the places, and near the [8.] middle of *Wiltshire*, which was a Boundary of the *West-Saxons* Kingdom, and bank of defence against the *Mercians*.

Divels Ditch.

In the East of *England* there are other Ditches, as the first and great Ditch upon *New-market Heath*, called *Divels-Ditch*, about a Mile from the Town, it begins at *Reeb*, a Town in *Cambridge-shire*, which standeth just upon the Fens, Morasses, or Bogs, and the Ditch passeth through that which is now the Street to the very Fens. And is extended over the Planes called *New-market-Heath*, about eight Miles to *Wood-Ditton* in a straight Line, where it endeth in Woods and Thickets, or in that Country which is at this day called the *Wood-lands*. The height of the Bank in many places is now sixty Foot from the bottom of the Ditch, as it riseth sloping to the top of it; and the breadth, from the brim to the great bank, near forty Foot, if not altogether so much. And this was the main Wall, or Bank, Boundary, and Defence of the *East-Angles* against the *Mercians*: And as they extended their Limits, the *East-Angles* threw up another Ditch, now called the *Seven-mile Ditch*, distant from the other about six or seven Miles South-west. The Bank whereof is now in many places from the bottom of the Ditch forty Foot, as it

Seven-mile
Ditch.

Vallum, what.
Intervallum,
what.

(*) *Vallum* (from whence our English word wall) was a Bank cast up on the brim of a Ditch, palliado or fortified with sharp Stakes outwardly toward the Ditch with their points depending, to hinder any thing from getting over it; and the distance between the Palliados or Stakes, was called *intervallum* from *Pallus*, denoting the same with *Sudus*, or *Trilobus* a sharp Stake or Turn-pike; and from hence also *Vallum*, so that not every great Bank was to be called *Vallum*, but such an one thus fortified.

riseth

Book II.
Part I.

riseth sloping in height, and the breadth of the Ditch proportionable. It begins in the Wood-lands at *Balsbam* in *Cambridge-shire*, near a House and Farm called *Godscroft*, and is carried on not altogether in a straight Line about four Miles to *Fulborn* Town end, and from thence turns towards the two Towns of *Wilbraham* North-west, and ends upon the Fen or Boggy ground between *Fulborn*, *Wilbraham*, and *Tewersham*, and begins again on the North-west side of that Fen or Bog at *Qui-Watering*, and passeth along from thence through *Fen-Ditton-street*, to the River *Grant*, or the low grounds of *Ditton*, *Chesterton*, *Malton*, &c. then perhaps Fens or Bogs or drowned Lands.

All these Ditches were drawn and cast up either from and between several Waters, Rivers, Fens, and Woods, or between Woods and Woods, for under the shelter and security of these, the English Saxons as well as the old Germans, thought themselves safe. And that the Germans constantly retired to Bogs, Fens, or Woods, as to their places of safety and retreat, we have sufficient Testimony from [6.] *Herodian*, who tells us that the Emperor *Maximinus* having wasted much of *Germany*, destroyed the Corn, and permitted to his Soldiers the Plunder of the Cattle, could find no Enemy for that the People had left the Field and plain Country, and fled or retired into Woods and Fens (so I turn *Paludes*) and from thence they annoyed and made Eruptions upon the Romans.

Lastly, the English Saxons followed the practice of those in old *Germany*, in holding their general Councils, Conventions, or *Placita's*, at *Christmas*, *Easter*, and *Whitsontide*, and that is the reason the old German Historians and Annalists, as well as ours, do constantly note in their Histories, where their Kings or Emperors kept these Feasts, because at those times were present also in Court all the Bishops, and Temporal Nobility, who were the only Body of such Councils. Our Saxon and Danish Kings, before the Conquest, with the advice of the Clergy and Nobility in their great Councils and Conventions, made divers Laws for the Government of the Church of *England*, and regulating the Clergy, and directing them in their Offices, and appointing what they should do; and amongst all their Laws put out by *Lambard*, there are some Ecclesiastical Laws to be found, but more especially and the greatest number in *Alfred's*, *Edward's*, *Edgar's*, and *Canute's* Laws. Some whereof are cited in the second part of this History.

And it appears by the ancient Laws of the German people, the Saxons, *Franks*, *English*, *Burgundians*, *Lombards*, &c. and by the Capitularies of *Charles* the Great, and *Levis* his Son, and by their ancient Historians, that the like usage and Custom was in old *Germany*, and that theirs as well as our Princes, called these Synods, presided and determined in them (or some Bishops by their appointment or permission) in all things relating to the Order and Government of the National Church, both there and here, for ought that I could ever find, although their Theological Articles and Opinions for the most part, might be the same, or not much different from the Doctrines of the general Christianity then received and practised.

Ditches of Defence, in what places usually cast up.

[6.] Ex Edit. Steph. 1581. fol. 147.

The old Germans retire into Woods and Bogs.

They held Councils as our English Saxons at Easter, Whitsunday, and Christmas.

And in them make Laws Ecclesiastical, as well as Civil.

Yet

Book II.
Part I.Hence its name
of Peterburgh.[7.] Ibid. fol. 67.
col. 2. Spelm.
Concil. Tom. 1.
fol. 266.
One of them
false.
Both suspected.[8.] Gervaf.
1701. ob. col.
1438.But if true, they
prove not a
Popes Legate
here before the
Conquest.Legate ancient-
ly signified only
a Commissary,
Official or ordi-
nary Minister.Malmsh. de
gest. Regum
fol. 26. n. 30. 40.
Monast. Angl.
vol. 1. fol. 220.
col. 2. & fol. 221
col. 1.
A pretended
Letter from
Pope Formosus

Subject. That all People of *Brittain*, and other near Nations, who being hindred by the length of the Journey, or other necessary cause, might visit *St. Peter* here, as effectually as at *Rome*, his own City, where they might pay their Vows, have Absolution from their Sins, and receive Apostolical Benediction, &c. Both these Priviledges, though very much different in Form, Matter, and their Attestations, or Witnessing, yet they bear date the same year [7.] viz. 680. and are both said to be sent by [7.] Archbishop *Wilfrid* from *Rome*, so that one of them must be false, and without doubt 'tis that in the *Saxon* Tongue is the Counterfeit, seeing the other from *Rome* was in *Latin*, and therefore most probable to be the Original: or probably they might both be false, for the Monks had an excellent Art in making Bulls, Priviledges, and Charters, for advancing the Credit, Reputation, and Interest of their Monasteries, as appears by the Controversie between the [8.] Archbishop and the Monks of *St. Augustin's* in *Canterbury*, Anno Domini 1181. near five hundred years since, in which Controversie they produced two Schedules, or Charts before the Bishop of *Durham*, and Abbat of *St. Albans*, the one said to be the Priviledge of King *Ethelbert*; the other of *Augustin* their first Archbishop of *Canterbury*; both which for the reasons there alledged, were suspected not to be what they pretended they were, and therefore not allowed.

But suppose the *Latin* Priviledge to be true, it makes nothing to confirm the opinion that this Abbat was the Pope's Legate formerly, and with that Power and Grandeur constituted, they have been for many years past, and of late days; for we read not in any History, that the Abbats of this place ever exercised any *Legatine* Power or Authority, and therefore Legate here, must signify an ordinary Messenger, Minister, Commissary, Deputy, or Official; as it did most frequently in those elder times: so that when it is said in the *Latin* Priviledge, the Bishop was to respect the Abbat as a *Roman* Legate, there is no more meant, than as the Pope's Commissary, Official, or Minister, to give, in his stead, Papal Absolution, and Benediction to such as had made Vows for Pilgrimages to *Rome*, and from hence, no doubt, the Pope had a considerable Income or Composition.

The other two Instances follow the first, Anno Domini 905. in the Fifth year of King *Edward* the elder Son of *Alfred*. He received a chiding Letter from Pope *Formosus*, commanding him, and all his, by threatening and affrighting them with his Malediction, if there were not Bishops appointed in all places where they had been before, whereupon the King called a Synod, in which *Phlegemond* Archbishop of *Canterbury* presided; in this Council were made seven Bishops, where before there were but two. This Synod ended, the Archbishop goes to *Rome* with the News, which was very acceptable to the Pope; and at his return, ordained or consecrated those seven Bishops in one day, which before in the Synod had been nominated or elected; amongst whom was *Edulfe* Bishop of *Crediton* in *Devon-shire*; which Bishoprick, afterward, *Edward* the Confessor gave to *Leofric* his Capellan, Anno Domini 1046. who (as was believed) moved with Divine Inspiration, cast about how he might procure the See to be removed from *Crediton* to *Excester*; and because he thought it could not be done without the Authority of the *Roman* Church,

Book II.
Part I.

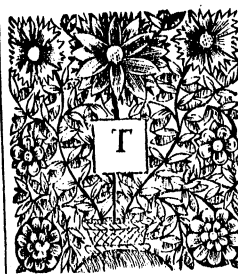
Church, he sent *Lambert* his Priest or Capellan, to solicit this Affair with the most Holy Pope *Leo*; and he most willingly complying with his request, wrote to the King, using these words in his Epistle (which by the Incongruity both of Words and *Latin*, seem to be the Invention and Scribble of some illiterate Monk) *Cum vero ad vos miserimus Legatum nostrum de aliis dicens, nunc autem de nostro satre nostri amoris causam, adjutorium praebeas ut à Creditonensi villula ad Exoniam sedem Episcopalem possit mutari.* The King, with great Devotion, giving his assent to these Letters, forthwith gave to Bishop *Leofric* the Monastery of *St. Mary* and *St. Peter* the Apostle in *Excester*, that he might fix his Episcopal Seat there, and after some Months coming thither, he took him by the right hand, and his Queen *Egith* by the left, and placed him in his Pontifical Chair in the said Monastery, in the presence of many of the chief Nobility of *England*.

By both these Stories it might seem, that the Popes had some power over the Kings of *England* in these times, for that they commanded as well as requested, them to do the things abovementioned. But both of them may well be suspected, for there never was but one *Formosus* Pope, who died Decemb. 14. in the year 895. according to *Onuphrius* in his *Chron. Pont. Roman.* fol. 27. ten years or at least before this pretended message to *Edward* the Son of *Alfred*, who was not King of *England* at that time, having begun his Reign Anno Domini 900. as is noted in *Lambard's Saxon Laws*, or Anno Dom. 901. according to the *Saxon Annals*. And not much unlike to this Message, is the pretended Epistle of *Leo* to *Edward* the Confessor: For *Leo* the Ninth (who it must be if any) entred not upon the Papacy, until the twelfth of February in the year 1049. as in *Onuphrius* in that year which was the seventh and not the third of the Confessor's Reign, as the Story hath it in the first Volumn of the * *Monasticon*, from a *M. S.* in *Cotton's Library*.

I shall conclude this present matter, and this first part of the *Saxon* History, with this Remark, that many Bulls, Charts, Priviledges, Epistles, &c. reserved in the *Saxon* Monasteries, were thought fraudulent, and suspected by the Antients themselves: And that by the Observation of some *Norman* words, often to be found in them, the accurate noting of their Dates and Agreement of the years of our Saviour Christ, Kings Reigns, and Popes Sittings, they may be detected.

Ibidem n. 50.
Edward the
Confessor, by
the Pope's order
changes the
Seat of the Bi-
shoprick from
Crediton.Both these Sto-
ries are ground-
less.* Fol. 221.
col. 1. lin. 3.

THE
SECOND PART
OF THE
Saxon History.



THE Roman Empire sinking under its own weight, and not able to afford the Britains any further assistance (as was said in the close of the Roman Story) who were at this time under the pressure of many and grievous Miseries, Fire, Sword, and Devastation from the *Picts* and *Scots*, and the intolerable rage of Famine at home, yet at length assembled together from the Mountains, and out of the desert Woods, obtained a signal Victory over their Enemies, (but under whose

conduct I no where find) after which, for some time, they enjoyed a happy Repose, not being much troubled with Invasions, and their Country abounded with so great a Plenty of all things, as there was no memory of the like. What the Government was here, and who the Governors for some time after the Romans departure, appears not. By *Gildas* it is probable there were several petty Princes or Rulers in the several parts of Britain, which were once the Province, and subject to the Romans; as *Constantine*, *Aurelius Conanus*, *Vortiger* of the *Demetians*, *Cuneglasse*, &c.

In this time of breathing, from the Violence of their cruel Enemies, an horrible Plague invaded them, which swept away such multitudes, as the living were scarce able to bury the dead; and then also the News was brought them of the Intentions of their inveterate Enemies, that they were about to return and invade them with such a force, as should take possession of their whole Country: at this time *Vortigern* otherwise *Guortigern*, whether by choice as some, or force as others report, obtained the Government over the Britains; to whose Easiness, Supinuity, Luxury, and Effeminacy, the Ignorance, Avarice, Debauchery, and Simony of the Clergy; and after these great Examples, an Universal Lapse of the Nobility and People into notorious Extravagancies and Impieties, *Gildas* passionately attributes the ruine of his Country.

Vortigern
alias
Guortigern.
A. D. 446.

The Miseries of
the Britains.

Gildas c. 17.
P. 39, 40.

Ibid. p. 66, 72,
75, 77.

Ib. 46, 47, 48.

Vortigern
chief in Britain
Ibidem, and so
forward.

The Cause of
the Ruine of
the Britains.

Vortigern.
A.D. 450. c.
Book 1. p. 1.
Malm. l. i. c. 1.

They call in the
Saxons.
a. b.
A.D. 449.
B. d. l. i. c. 15.
Gildas, p. 50.

Taney Ist. gi-
ven to the Sax-
ons.

Bede, lib. 5.
Malm. l. i. c. 1.

The Saxons
overthrew the
Scots and Picts

More Saxons
invited and ar-
rive.
Bede, l. i. c. 15.
c. d.

c.
Malm. l. i. c. 1.

Kent given to
Hengist.

Sherringham de
Orig. Gent.
Aug. p. 207.

Old England,
where.

To prevent which (as was thought) and to repel the Violence, and hinder the Incursions and Invasions of the *Picts* and *Scots*, *Vortigern* held a Council of his Great men and Nobles, being excited thereto by the noise and clamours of his People, wherein by general consent it was agreed to call the *a* *Saxons* out of *b* *Germany* to their Aid, who no sooner received the Invitation from the *Britains* by special Messengers, but they easily granted what themselves had a thousand times wished for, and arrived soon after, under the conduct of two Brethren, *Hengist* and *Horfa*, in three Long-boats or Gallies, which in their own Language they called *Kiules* in the Island of *Taney*, which was bestowed on them for a place of Habitation; and being received with much favor from the King, and great affection of the People, by giving their Faith on both sides; the one part stipulated to defend the *Britains* Country, the other that over and above their place of abode, they should receive sufficient Pay and Reward for their Services done them.

Here they were not long without Employment, for the *Scots* not thinking perhaps of any opposition, came boldly into the heart of the Nation, whom the *Saxons* encountred and overthrew.

Hengist and the *Saxons* taking notice of the Fertility of the Country, the Easiness, Sloath, and Negligence of the People, sent home to invite others to be sharers of their Future Success and Expectations, they readily comply with the Invitation, and there came in sixteen Ships, People of three Nations in *Germany*; *Saxons*, *c* *Angles*, *d* *Jutes*, which with those that were here before, made up a compleat Army.

With them, and by design of *Hengist*, came over his most beautiful Daughter *e* *Rowen* or *Ronix*, who was ordered by her Father, to attend on *Vortigern* at an Entertainment he had prepared for him, who surprized and deeply smitten with the Elegancy and Beauty of the Virgin, demanded her in Marriage; *Hengist* at first cunningly dissembled, what he most of all desired, pleading the meanness of his Daughter, and the inequality of the Match, but at length, with much seeming unwillingness and reluctance, he consented, and received all *Kent* for a Reward.

(a) They were originally *Scythians*, and came out of *Asiatic Sarmatia*, and possessed, and overcame many Countries, yea almost the whole *Roman* Empire, under divers names of *Goths*, *Huns*, *Vandals*, *Sveves*, *Lombards*, &c. and since that time have conquered other Countries under other names, of *Saxons*, *Danes*, *Normans*, &c. Their Breed was great, and they multiplied so fast, that their uncultivated Country was overstock'd with Inhabitants, and not able to sustain them, which forced them upon their Expeditions; their multitude of Wives being the chief cause of such a vast increase of People. These Invaders of *Britain* had their names from the *Gothic* or *Runic* word *Sax*, which signifies a Talchion, or short hooked Sword, or long Knife, which they wear as their usual Weapon, from thence *Saxons*. (b) They who inhabited, or rather committed Piracies from all the Sea Coasts of *Germany*, between the Rivers *Rhene* and *Elb*; and also upon the Coasts of the *Cimbrian Chersonese*, or *Peninsula* which now contains *Futland*, the Dukedom of *Sleswic*, *Dinmarsh*, and *Hollatia*, which by *Bede* and other ancient Authors, are truly called old *Saxony*. (c) People that inhabited *Anglia vetus*, or old *England*; the Country lying upon that part of the *Baltic* Sea, between *Flemburgh* and *Sleswic*, now called *Anglen*. (d) They came from *Futland* in *Denmark*, situated more Northerly in the same *Chersonese* or *Peninsula*. (e) I do not think this Story very Authentick, it not being in *Bede* or *Gildas*, and *Malmibury* relates it as a Report only.

With

With which not being satisfied, he insinuated into the King, how advantageous it would be to him, that he sent for yet a greater Force under the Conduct of his own and his Brothers Son *Olsa* and *Abissa*, who might defend the Northern Borders (where he advised they might be seated) from the Invasion of the *Scots* and *Picts*, while he guarded the East parts of his Nation; *Vortigern* consents, and there came presently with the Messengers, three hundred Ships laden with Soldiers, with which, or some of them, they sail as far as the *Oreades*, and making every where Impressions upon the *Scots* and *Picts*, took Possession of that which is now called *Northumberland*, and the parts adjacent, but it was not then erected into a Kingdom, until the time of *Ida*.

The *Saxons* now thinking their numbers sufficient to over-power the *Britains*, League first with the *Scots*, and upon pretence that their Wages and Victuals were not answerable to their Service and Deserts, quarrel with the *Britains*, and threaten, that if they were not augmented, they would break Friendship with them, and wait their Country; and without delay they practised what they threatened, every where destroying and spoiling the adjoining Cities and Countries, burning all before them from the East Sea, to the West; Pastors, Priests, and People, all were slain together. The lofty Tops of publick and private Buildings, the Stones of lofty Towers and Holy Altars, with the Carcasses of the Priests serving at them, were confusedly hurled together in one mix'd Ruine, and consumed with Flames. Some afterwards of the miserable Remains of the *Britains*, were taken in the Mountains, and butchered in heaps, others constrained by Famine, yielded themselves eternal Slaves to their Enemies, others passed beyond the Sea, while others in continual fear, committed the safety of their lives to Rocks, and Precipices near the Sea, high Mountains, and thick Woods, enjoying yet their Country, though with aking and trembling hearts.

After this vast Destruction and Ruine, these Cruel Spoilers returned home, and what were left of the miserable *Britains*, peeped out of their lurking places, and taking courage, and Embodiment together, put themselves under the Conduct of *Ambrosius Aurelius*, (who was the only man of note of the *Romans* that was in *Britain*, and weathered out this storm) provoked their Enemies to Battle, and obtain a signal Victory; after this time the Event of War was doubtful, sometimes the *Britains*, sometimes the *Saxons* winning the Field, until the year of the Siege of *Bathe*, (forty years after the *Saxons* arrival) *B* when on *Bannestown* the *Britains* overcame them with a mighty slaughter.

(f) 'Tis most probable he was a *Roman*, for *Gildas* calls him *Ambrosius Aurelianus*, and says his Parents were adorned with Purple, which was an honourable Garment and Badge amongst the *Romans*. (g) A large Hill or Mountain so called, not far from *Bathe* in *Somersetshire*, where yet remain the foot-steps of some Military works.

Vortigern.
A.D. 450.
Malm. Westm.
An. 453.

Three hundred
Ships more with
Saxons arrive
in the North.
Malm. l. i. c. 1.

Gildas, c. 24,
55, 56.

The horrid De-
struction of the
Britains, Ibid.

Bede, l. i. c. 15.

Gildas, c. 15, 26

The Britains
under the con-
duct of Ambro-
sius Aurelius,
beat the Sax-
ons.
Gild. Ibid.
Bannestown
Battle,
A.D. 489.

P. 59. c. 25.
Camb. Brit.
170.

The

Vortigern,
A. D. 441.
Chron. Sax.
An. Dom. 455.

h.
Four Battels be-
tween the Sax-
ons and Bri-
tains.
A. D. 457.
i.

Twelve chief
Britains, &c.
Wypped the
Saxon flamm.
A. D. 473.
Matt. Westm.
A. D. 454 & 455.
416.
Monmouth.
fol. 48. b.
The Saxons
forced into Tan-
et.
Driven to their
Ships, and out of
Britain.
Hengist returns
A. D. 460.
After Vorti-
mer's death.

Propounds a
Treaty with
Vortigern.

A. D. 461.

i.

*
Three or four
hundred of the
British Nobili-
ty killed by
Treachery.
m.

Selden's Title
of Honor, 101.

De gestis Sax-
on, lib. 1. c. 1.

The old Saxon Annals relate things otherwise, and that Hengist and Horsa fought against Vortigern at ^h Aylesford, where Horsa was slain, and Hengist with his Son Eso took upon them the Government of Kent. That they two fought with the Britains at ⁱ Crenganford, where they killed four of their Chieftains or Princes, and from thence the Britains leaving Kent, fled to London in great fear; eight years after they again fought the Britains nigh Wyppedfleet, where there were twelve ^k Earls of the Britains slain, and the Saxon Earl or Thane Wypped, who probably might give name to the place. The last or fourth Battel was at a place not mentioned, where the Britains received such a Defeat, that flying in great Consternation, they left an infinite spoil to their Enemies.

Matt. of Westminster Dilates upon Galfrid of Monmouth, and reports this matter, yet after another manner; that the Britains offended with Vortigern for marrying a Pagan Wife, and his compliance with the Saxons, deposed him and set up Vortimer or Gvortimer his Son, who in four Battels overcame the Saxons, drove them into the Ile of Tanet, and from thence into their Ships, who leaving their Wives and Children, fled into Germany; from whence Hengist having heard of the death of Vortimer, returned again with 300000 as Monmouth, but with 3000 only as Westminster, when sending Messengers to Vortigern (who after the death of his Son Vortimer, was restored to his Government) speciously pretending the cause of his return was, that he had thought Vortimer yet living, whom he desired above all things to vanquish and expel the Nation; that since he was dead, and Vortigern restored, he committed himself, and the People he had brought with him, to his disposal; that as many as he would, should stay in his Kingdom, and the rest presently be sent back into Germany, offering also a personal Treaty by a select number on both sides, for the determining and concluding all things according to the Will of Vortigern, to be managed by the Chiefs of both Nations; who being mightily pleased with the pretence, appointed for the time May-day, and for the place some where near ^l the Monastery of Ambry, when and where both Parties by agreement were to meet without Weapons.

But Hengist had so contrived it, that his Saxons had under their Coats, long Knives or Falchions, which upon the ^{*} Watch-word given (that was Neme Eour Saxas) they drew out and killed every man, the next Britain, ^m to the number of four hundred and sixty Barons and Earls or thereabouts, and took Vortigern Prisoner, who to redeem himself, gave them as much of his Country as they desired, and retired into Wales.

(b) Aylesford in Kent near Maidston, whence the Laib of Aylesford hath its Denomination. (i) Now Crayford upon the River Craye in the Laib of Sutton in Kent. (k) The Saxon words here translated by Comites and Barones, and sometimes by Principes, are Ealdormen and Thegn, signifying properly Elders and Ministers, or Servants; they are sometimes in Latin translated by Dux and Consul, these words being equivalent, and signifying the same thing in Monks and old Authors. (l) As some report at Stonehenge near Amesbury in Wiltshire, or Ambrosbury so called in memory of Ambrosius Aurelius, where there was a Monastery of three hundred Monks, as some would have it, before Queen Alstrith built there a Nunnery. (*) This Tale seems to have been taken out of Winichindus, and applied to the Britains, where are the same things spoken verbatim of the Saxons and Thoringians. (m) the Latin words in Monmouth are Barones and Consules. There is nothing of this Story in the Saxon Annals.

Malmsbury

Malmsbury says, that Hengist invited his Son in Law, with three hundred of his principal Britains, to a Feast, and when he had well animated them with Liquor, he industriously provoked them with smart Reflections, which first begat Tumult and Wrangling, and afterwards Blows and Fighting, where the Britains perished to a man, and the King being only saved alive, redeemed his Captivity by the Gift of three Provinces. A sad Ruine and Desolation now came upon the Britains, from these barbarous Enemies to Christianity, their Churches were every where levelled with the Ground, their Priests killed at the Altars, the Scriptures burnt, Religious men fled into Caves, Mountains and Deserts to preserve themselves.

These different and almost contrary Relations are left to every mans Judgment, either to believe or reject them, the sum of all is only certain, that the Saxons after their first arrival under Hengist and Horsa, came into this Island at several times, and under divers Commanders in great Numbers, until one way or other by fraud or force, they made themselves Masters of all that part of Britain, (except Wales) which was divided into seven Kingdoms or Governments. The first whereof was the Kingdom of Kent, and contained only that County, and had these following Kings.

		Doubtful, or Foreign Kings of Kent.	
C	Pagans {	1 Hengist	31
		2 Esk	24
		3 Otta or Ocka	20
		4 Immeric	29
D	Christians {	5 Ethelbert	56
		6 Eadbald	24
		7 Ercombert	24
		8 Edgbert	09
		9 Lothar	12
		10 Edric	07
	Christians {	11 Withred	33
		12 Edbert	23
		13 Edilbert	11
		14 Alric	34
		15 Edilbert	03
		16 Cuthred	08
		17 Baldred	18

This Kingdom began Anno Domini 457. and ended Anno Domini 823. and continued 366. years.

The Second was the Kingdom of the South Saxons, and contained Suffex and Surrey, or at least, part of it; this was mostly under the Power of the Kings of Kent, and the West-Saxons, and therefore the names of but few Kings are taken notice of in Story, which were these

Pagans	{	1 <i>Aella</i>	32	Christians	{	3 <i>Edilwac alias</i>	} 25		
		2 <i>Cissa</i>	75			4 <i>Ethelwolf</i>			
									5 <i>Berthum</i>
									6 <i>Authum</i>

It began Anno Domini 491. and ended about the year 600. and continued about 109 years.

Vortigern,
A. D. 461.
De gestis Reg.
1. c. 1.

The impious
Cruelty of the
Saxons against
the Christian
Britains.

The first King-
dom of the Sax-
ons, Kent.
A. D. 457.
Before the first
Tome of Spel-
man's Conspels.

The second of
the South-Sax-
ons. A. D. 491.

O

The

Vortigern,
A. D. 519.
The Third of
the West-Sax-
ons, A. D. 519.

The Third was the Kingdom of the *West-Saxons*, and contained *Cornwall* (where notwithstanding were part of the Remains of the Britains) *Devonshire*, *Dorsetshire*, *Somersetshire*, *Wiltshire*, *Hampshire* and *Berkshire*, and had these Kings,

Pagans	1	Cerdic	16	Christians	9	Kentwin	09
	2	Kenric	26		10	Cedwalla	02
	3	Ceanlin	31		11	Ina but fifteen only according to <i>Lambards Leges Ine</i>	38
	4	Celric	06		12	Æthelbald	14
	5	Ceolwulf	14		13	Cuthred	14
Christians	6	Cinegils and Quincelm	31	Christians	14	Sigebert	01
	7	Kenewale and Sexburge	32		15	Kinewulf	29
	8	Æscwin	02		16	Brithric	16
					17	Edgbert	37

It began *Anno Domini* 519. and ended 1066. at the coming of the *Normans*, and continued 547. years.

The Fourth of
East-Saxons,
A. D. 527.

The Fourth was the Kingdom of the *East-Saxons*, which contained *Essex*, *Middlesex*, and part of *Hartfordshire*: The Dates of the Kings Reigns are not added, because there is nothing certain of them.

Pagans	1	Erkenwin	Christians	7	Swithelm
	2	Sledda		8	Sigber & Seba
Christians	3	Sebert	Brothers.	9	Sigheard & Senfred
	4	Sexred		10	Offa
	5	Seward		11	Selred
	6	Sigebert		12	Swithred
		Sigebert the little.			
		Sigebert the good.			

It began *Anno Domini* 527. and ended 747. and continued 220. years.

The

The Fifth was the Kingdom of *Northumberland*, which contained *Lancashire*, *Yorkshire*, the Bishoprick of *Dresm*, *Cumberland*, *Westmorland*, *Northumberland*, and part of *Scotland*, as far as *Edinburgh*, *Frib*; and had these Kings:

A. D. 547.
The Fifth of
Northumber-
land, A. D. 547.

A Pagans	1	Ida	12	Christians	11	Kenred	02
	2	Ælla	30		12	Ofrie	11
	3	Edelric	04		13	Ceolwulf	08
	4	Edelfrid	24		14	Edgbert alias Eadbert	20
B Christians	5	Edwin	17	Christians	15	Osulf	01
	6	Oswald	09		16	Ethelwald al. Mollo	06
	7	Osby	28		17	Alured	09
	8	Egfrid	15		18	Ethelred al. Ethelbert	04
	9	Alfred	19		19	Alfwold	11
	10	Ofred	11		20	Ofred, then Ethelbert again.	

It began *Anno Domini* 547. ended about 792. and continued about 245 years; after *Ethelred* was slain, there was an *Interregnum* of 33 years, when *Egbert* King of the *West-Saxons* possessed himself of this Kingdom; yet there were some *Reguli* or petty Princes of *Northumberland* in the *Danes* time.

The Sixth was that of the *East-Angles*, which contained *Norfolk*, *Suffolk*, *Cambridgeshire*, with the Isle of *Ely*, and had these Kings.

The Sixth of
the East-An-
gles, A. D. 575.

D Pagans	1	Offa	07	Christians	8	Ethelbert	
	2	Tityst	10		9	Ethelwald	09
	3	Redwald	44		10	Adulf	19
	4	Eorpwald	12		11	Elfwald	07
E	5	Sigebert		Christians	12	Beorna	24
	6	Egric			13	Ethelred	52
	7	Anna	13		14	Ethelbert	05

It began *Anno Domini* 575. ended 793. and continued 218 years, when *Ethelbert* was slain by *Offa*, the Kingdom of the *East-Angles* was united to the Kingdom of the *Mercians*, yet *St. Edmund* reigned afterward, and was murdered by the *Danes*, A. D. 870.

The

A.D. 552.

The Seventh
of the Mercians,
A.D. 582.

The Seventh was the Kingdom of the *Mercians*, which contained *Gloucestershire, Herefordshire, Worcestershire, Warwickshire, Leicestershire, Rutlandshire, Northamptonshire, Lincolnshire, Huntingdonshire, Bedfordshire, Buckinghamshire, Oxfordshire, Staffordshire, Shropshire, Nottinghamshire, Cheshire*, and part of *Hartfordshire*, and had these following Kings.

Petty Kings.

Pagans	{	<i>Cridda</i>	}	8	<i>Beornred</i>	01
		<i>Wibba</i>		9	<i>Offa</i>	38
		<i>Cherol</i>		10	<i>Egfer</i>	01
		1 <i>Penda</i>		11	<i>Kenulf</i>	02
Christians	{	2 <i>Penda & Offa Dukes</i>	}	12	{ <i>Kenelm</i> <i>Ceolulf</i> }	01
		3 <i>Wulfer</i>		13	<i>Beornulf</i>	03
		4 <i>Ethelred al. Aired</i>		14	<i>Ludecan</i>	02
		5 <i>Kenred</i>		15	<i>Wihlaf</i>	13
		6 <i>Ceolred</i>		16	<i>Bertulf</i>	13
		7 <i>Ethelbald</i>		17	<i>Burytred</i>	22
				18	<i>Ceolulf</i>	

It began under *Cridda Anno Domini* 582. under *Penda Anno Dom.* 625. it ended *Anno Domini* 874. and continued 292 years.

Thus the first Leaders of the *Saxons* thought themselves worthy of Kingdoms and Principalities; and such shares of their new conquests, as they thought equal to the Power and Numbers they brought hither, their Interest and Desert. They all in one degree or other, derived themselves from *Woden*, according to the ambition of all People in the elder times, when it was Customary, without any ground or reason for them, to claim a Descent from some famed and great Hero. But yet this Heptarchy became so established afterward, that whosoever had most Power, was reputed King of the *English*, and *Ethelbert* King of *Kent*, at the time of his Death, commanded over all those Countries, on the South-side of the River *Humber*, in whole time *Redwald* (afterwards King) was only Duke or Earl of the *East-Angles*, whatsoever is worth notice, (and that's but little) during the Heptarchy, I shall relate collectively, or in Grofs, only noting the Territory or place where things were transacted.

But before I pass to them, it may not be amiss to note that there were yet remaining in *Wales*, many Bishops, Abbots, Priests, Religious Persons, and Monasteries; and that Christianity flourished amongst the *Britains* there, and at the command and by the sole Power of *Oudocens* Bishop of *Landaf*, there were at that place three Synods called, wherein were excommunicated and cursed for Murders, three petty *Welsh* Kings and Princes, *Mouric*, *Morcant*, and *Guindernth*, and compelled to make satisfaction by Fasting, Prayers, and Alms.

The

Beale l. 2. c. 5.

Spel. con. fol.
62. A. D. 560.Three Welch
Princes excom-
municated by
Oudocens Bi-
shop of Landaf,
before Augu-
stine's coming.

The *Saxons* all this while, and some time after, remained *Pagans*, until *Gregory* Bishop of *Rome*, moved by Divine Intinct, (as 'tis said) sent *Augustin* and many other Monks to preach the word of God to the *English* Nation, who finitten with fear, when they were forward in their Journey, thought it more safe to return, than command themselves to the Inhumanity and Barbarity of those People; but *Gregory*, encouraging them by his pressing exhortatory Epistles, prevailed with them to proceed, giving them also his commendatory Letters to all the Princes and Bishops through whose Territories and Diocesses they were to pass, that by them they might be kindly received, and their Design promoted.

They landed, passing through *France*, in the Isle of *Tanet*, *Ethelbert* then being King of *Kent*, who at that time commanded all the Country, as far as the River *Humber*; it was a main advantage to this attempt of *Gregory's* and *Augustin's*, that *Bertha* the Queen of *Ethelbert* was Daughter to the then King of *France* and a Christian, to whom was permitted the free use of her Religion, and also the company and assistance of *Luidhard* a Bishop, and her Chaplain; and from whom 'tis most probable, *Gregory* was first solicited to this undertaking by private Messengers sent to *Rome*. When *Ethelbert* was pleased to admit him, he made his approach, having a Silver Cross carried before him for a Banner, the Image of our Saviour painted upon a Table, and with his Company, singing Litanies.

This the manner of the Address which *Ethelbert* received in the open Air, avoiding coming under any roof, fearing Fascination or Witchcraft, and that he might be deceived and overcome with malefick Practises; the message delivered to him by *Augustin*, was eternal Life, and an endless Reign with the true and living God, and the word of life which he preached to him and all his Company.

Ethelbert answered that they brought fair Promises, but because they were new and uncertain, he could not assent to them, leaving those things which had so long time been observed by the *English* Nation, but because they were Strangers, coming from far Countries to communicate unto him such things as they believed to be the best, and true, they should kindly receive all necessary accommodation; nor would he prohibit, but that they might joyn to the Faith of their Religion, as many as they could by preaching.

He assigned them conveniency of Habitation in *Canterbury* his Metropolis, on the East side of which there was an old Church dedicated to *St. Martin*, built while the *Romans* were in *Britain*, in which Queen *Bertha* used often to pray; in this they began first to meet, to sing, pray, celebrate Mass, Preach and Baptize: here despoising the World, they began to imitate the Apostolick Life of the Primitive Church, by pious Conversation, fervent Prayer, frequent Fasting, constant Preaching, and often working Miracles, building and repairing Churches, so that much People, and at length the King himself (taken with their exemplary holy Lives) embraced the Christian Faith, and was baptized. As *Ethelbert* freely became a Christian himself, so he would have none forced into Religion, having received from those that instructed him that the Service of

Ethelbert
King of Kent.
A.D. 596.
The Heptarchy.Augustin sent
from Rome to
convert the Sax-
ons, A.D. 596.
Becl. c. 23.
He is afraid to
proceed in his
Journey.
But pressed by
Gregory, goes
on.Ethelbert
King of Kent.

Ibid. c. 25.

In what manner
Augustin made
his approach to
Ethelbert, vid.
Spel. con.
fol. 127.Ibidem.
He fears Witch-
craft.

Ibidem.

Ibid. c. 26.

Ibidem.
Ethelbert
would have
none forced to
Christianity.

Ethelbert
King of Kent.
A. D. 597.
The History
of Kent.

Christ ought to be voluntary, and not compelled. After this *Augustin* passed into France, and by the Archbishop of *Arles* was ordained Archbishop of *England*, at the command of *Gregory*, and returning into *Britain*, he forthwith sent to *Rome* *Laurence* a Priest, and *Peter* a Monk, to give *Gregory* an account of the Faith of the *English-Saxons*, and his being a Bishop, with Instructions that they should bring back from *Gregory* certain Solutions of Questions sent by them, some whereof were these.

First, How a Bishop should converse with his Clergy, and what shares ^m of the Oblations of the People should be divided amongst the Priests, &c.

Idem.
m.
Questions sent
to Gregory by
Augustin.

To this he answered that it was the received Custom in the Church, and of the Apostolick See, to divide the Oblations into four shares or portions, one to the Bishop and his Family for Hospitality, another to the Clergy, a third to the Poor, and a fourth for the Repairs of Churches, but since he and his Fraternity lived under a Monastick Rule, they ought to call nothing their own, but all things were to be common.

The Second was, whether those Clerks that could not contain, might marry, if so, whether they should return to the World, or leave their employment.

The answer was, that such Clerks (which were the lesser Clerks, as Choristers, Sacrist, Acolyte, &c.) that were not in Orders, might marry if they could not contain; but yet they were to live under an Ecclesiastick Rule, &c.

The Third was, when as there is but one Faith, why were there several Customs in divers Churches, and why there was one Custom of celebrating Mass in the *Roman*, and another in the *Gallican* Church.

To this he answered and advised, that out of every Church he should choose whatsoever things were Pious, Religious, or True, and infill them into the minds of the *English*, the other are frivolous and impertinent Questions not worth any mans notice.

A. D. 601.
Mellitus, Jus-
tus, &c. sent
into England.

Some years after, by reason of the great number of Converts gained every day, he sent as assistants to him *Mellitus*, *Justus*, *Paulinus*, *Rufinus*, and with them a Pall, Vestments for the Altar, Sacerdotal

Churches not
endowed, nor
Tithes paid.
Primer. c. 9.
A Pall what.

(m) There were then no Tithes paid, nor Churches endowed, but the Clergy lived upon the Oblations and Contribution of the People, which doubtless was very great, as is evident by this Question and Answer. (n) A Pontifical Vesture, or as Archbishop *Usher*, the Badge of a Metropolitan made of Lambs Wooll, in breadth not exceeding three fingers, and having two Labels hanging down before and behind, it is sent from the Pope to Archbishops and Metropolitans, and they wear it at the Altar when they celebrate Mass, about their necks, above their other Ornaments: it was sent by the Popes as a Note or Mark of Subjection and Obedience of those that received it, to the See of *Rome*, as appears by Pope *Honorius* his Epistles to *Edwin* King of *Northumberland*, and *Honorius* Archbishop of *Canterbury*; it was called a *Superhumeral*, and was made partly, or appeared to be most part of Wooll, that it might signify the lost Sheep placed upon the shoulders.

A Mark of O-
bedience and
subjection.
Hede lib. 1.
c. 17, 18.

Vestments,

Vestments, Books, Utensils, &c. and power to ordain twelve Suffragan Bishops under him, and an Archbishop of *Tork* whom he pleased, when that City and the Country adjoining should receive Christianity, so that he should also be a Metropolitane, and have twelve Bishops under him, to whom he would likewise send a Pall, but so as he should be under the direction of *Augustin*.

Ethelbert
Eadwald.
A. D. 602.
The Episcopacy.

A By the assistance of *Ethelbert*, in the Confinnes of the *West-Saxons*, *Augustin* obtained a Conference with the *Brittish* or *Welsh* Bishops, and by brotherly admonition, perswaded them to a commune use of some Rites in the *Roman* Church, and endeavoured to perswade them to preach to the *Pagan Saxons*, but neither by Prayers, Perswasion, or Chiding, could he prevail with them, and for that time left them; afterward induced by a Miracle, (as my Author saith) that was, a blind man cured by the Prayers of *Augustin*, when as he found no relief from the Prayers of the *Brittish* Priests, they consented to a second Meeting and Conference, where were seven *Brittish* Bishops, and many learned men, especially out of the Monastery (called in the *English* Tongue) *Bancornaburge*, whereof *Dinoth* was at that time Abbat; but by the way as they came to this meeting or Synod, they asked the advice of a Holy and Prudent man, that was an *Anachoret*, whether they should follow the preaching of *Augustin*,

Bede 1. 2. c. 2.
Augustin pro-
cures a Confe-
rence with the
Brittish Bi-
shops, &c. and
cannot persuade
them to Unity.

or forsake their one Traditions, he directed they should embrace or reject what he propounded, according as they found him humble or haughty, and giving them some Marks and Observations upon his behaviour towards them, by which they might distinguish whether he were a meek or proud Person; they proceeded to the place of meeting, where they found him sitting in a Chair, and not rising to them at their approach, they presently apprehend him to be a proud Person, and in passion contradicted whatsoever he said; and although he desired their obedience and compliance in three things only, That is, in the time of the Observation of Easter, in the manner of Baptism, according to the Custom of the *Roman* Church, and that they would assist them in preaching the word of God to the *English-Saxons*, affirming he would forbear them in other things, though contrary to the Usages and Customs by him practised; yet they utterly refuse to do any of these things, or to accept him for their Archbishop; saying one to another, that if now he will not rise to us, how much more would he slight and contemn us if we were under his Power, and

He procures a
second Confe-
rence.

Idem.
Dinoth Ab-
bat of Bangor.

O.

E subject to him.

Idem.

The Brittish
Bishops and
Priests contra-
dict Augustin,
and refuse com-
pliance.

They will not
accept him for
their Arch-
bishop.

A. D. 604.
Idem c. 3.

He ordained *Mellitus* a Bishop, and directed him to preach in the Province of the *East-Saxons*, where *Sebert* reigned though Subject to *Ethelbert*, whose Nephew he was by his Sister *Ricula*, and so soon as they received the word of Truth by the preaching of *Mellitus*, *Ethelbert* founded the Church of *St. Paul's* in *London*, and made it the Episcopall Seat for him and his Successors; he also at the same time ordained *Justus* Bishop of *Rochester* in *Kent*.

St. Paul's built
and made a Ca-
thedral.
Rochester
made a Bishop-
rick.

(o) A Recluse, one that sequestered himself from the World, and lived severely in a constant secess, from *avayogē*, *recedo*, *secedo*.

About

Edbert
Eadwald
A. D. 608.
The Eptarchy.
Specim. con.
I. 1. c. 1.
Ibid. c. 1.
Augustin dies.
A. D. 611.
Laurentius
Archbishop.
Bede. lib. 2. c. 5.
Ibid. 120.

Ethelbert and
Sebert dead,
their Sons re-
verts to Paga-
nism.
A. D. 613. or
616.
Ibid. c. 5.
Mellitus and
Julius go into
France.
Eadwald con-
verted by Lau-
rentius.
The Londoners
refuse Mellitus
Ibid. c. 6.

Edwin King of
Northumber-
land.
Bede. lib. 2. c. 9.
Edwi demands
Edelburge for
wife.

Paulinus is or-
dained Bishop,
and sent with
her.
An. Dom. 625.

Ibid. c. 13.

The Northum-
brians conver-
ted.

Edwin and his
Nobility bapt-
ized by Pauli-
nus.

About this timoedied *Augustin*, or as *Math. Florilegus* in the year 608. or *Nicholas Trevet* in the year 611. to whom succeeded *Lauren-
tius* a Roman, ordained by *Augustin* himself while alive, that he
might take care of the weak State of his Church scarcely yet estab-
lished; and that it might not one hour want a Pastor, he brought
the *Scots* and *Britains* to some Conformity with him, especially in the
Observation of *Easter*. *Ethelbert* gave his People Laws and Statutes,
by the advice of his wife men, according to the example of the Ro-
mans, written in the *Saxon* Tongue, and observed in *Bede's* time,
wherein his great care was, to punish such as had stoln any thing
from Church or Church-men, thereby shewing how gratefully he
received from them the Christian Faith.

He and *Sebert* being dead, *Eadwald* the Son of *Ethelbert*, and the
three Sons of *Sebert*, relapse into *Paganism*, from whom, and their
People, after they had received many Affronts, and being without
hope of their reduction to Christianity, *Mellitus* and *Justus* departed
into *France*, but *Eadwald* being converted by *Laurentius*, calls them
back to preach.

Rochester easily received *Justus*, but the *Londoners* rejected and
refused their Bishop *Mellitus*, rather submitting to their *Pagan* Priests,
and delighting in their old Heathenish Vanities; after the death of
Laurence, first *Mellitus* and then *Justus* were Archbishops of *Canter-
bury* successively.

Edwin King of *Northumberland* sent to *Eadwald* King of *Kent*, to
desire his favor that he might take his Sister *Edelburge* to Wife, he
answered that a Christian Virgin ought not to marry a *Pagan*: *Ed-
win* receiving this answer, promised he would do nothing contrary
to the Christian Faith which *Edelburge* professed, and that he would
permit to her, and all that came with her, whether Men or Women,
the liberty of their Religion, and that he should not refuse it him-
self, if upon Examination of it, and Consultation had with his wife
men, it should be found more Holy and Worthy than his present
Worship.

Upon these Terms the Virgin was sent to him, and with her *Pauli-
nus* (who was ordained Bishop by *Justus*, about the twelfth of the
Calends of *August* 625.) that he might preserve her, and the whole
Company with her, sound in the Christian Religion, and from being
polluted with *Pagan* Vanities. His further design was also, to
bring off the whole Province whether he went, to the Christian Reli-
gion; he laboured, but in vain, amongst the People, while their
King remained *Pagan*, whom upon every occasion, he perswaded
and allured to embrace the Christian Faith; yet he would not do it
without mature deliberation, and the advice of his principal Friends
and Counsellors, and having been first well instructed in Christi-
anity by *Paulinus*, he consulted his great men, and propounded the
Reasons to them, that happily might move them to the Christian
Religion; they all complied with him, and first of all *Coifi* his chief
Priest, who also first of all offered to destroy the Altars and Temples
of their Gods, which he presently effected; and then *Edwin*, with
all the Nobility of his Nation, and many of the common people, in

the

the eleventh year of his Reign, were baptized; after this vast num-
bers of the vulgar flocked in every day to be instructed in Christian
Religion, and to be baptized, the next Rivers serving instead of
Fonts, which at that time they had not, nor were there then, very
few, if any Churches built, unless one small one at *Tork*, which *Ed-
win* caused to be built of Wood, for the Solemnity of his own Baptism,
where he fixed *Paulinus* his Episcopal Seat; after the Conversion of
his own Nation, *Edwin* moved with much Devotion toward the
Truth, endeavoured to perswade *Eorpwald* King of the *East-Angles*,
with his Province, to receive the Faith and Sacraments of Christ,
whole Father *Redwald* had received them in *Kent*; but returning
home, over-ruled by his Wife, to make sure of the right way, he
erected in the same Temple, one Altar to Christ, and another to the
Heathen Gods. *Eorpwald* being slain also not long after he became
a Christian, his Province remained three years in their Errors, until
his Brother *Sigebert* took upon him the Government of this King-
dom, who while his Brother lived, remained an Exile in *France*,
where he received the Faith of Christ, and at the very entrance
upon the Government, took that care that his whole Province might
receive it also: *Felix* a *Burgundian* Bishop contributed very much
to this work, and was almost the sole Author of the Conversion of
this People; he applied himself to *Honorius* Archbishop of *Canterbury*,
and acquainting him with his Design, received his Mission from
him, and with unwearied labour reconciled the whole Province to
the Christian Profession, and placed his Episcopal Seat at the City
of *Dunelm*.

Honorius the Pope sent to *Paulinus* and *Honorius* then Archbishop
of *Canterbury*, each of them a Pall, and Decretal Letters; wherein
he gave Power, that if either the Archbishop of *Canterbury* or *Tork*
should dye, the Survivor might ordain and consecrate another in his
place, without further trouble, or a tedious Journey to *Rome*.

After the death of *Edwin*, the *Northumbrians* fell from Christiani-
ty, and were reconciled again in the Reign of King *Oswald*, by *Aidan*,
who at his request was sent out of *Scotland*; he was a Bishop, and
had his Seat in *Holy Island* or *Lindisfarn*.

About this time *Byrinn* sent by Pope *Honorius*, came to convert
the yet *Pagan* parts of *Britain*, and landing amongst the *Geveisses*,
or *West-Saxons*, he prevailed with their King *Cynigils* to be baptized,
to whom *Oswald* King of *Northumberland* was Godfather, and after-
wards his Father in Law by Marriage of his Daughter; after his
Conversion of the *West-Saxons* both Kings gave him *Dorchester* in
Oxfordshire for his Bishops Seat. But King *Cenwalch* divided his Na-
tion into two Parishes or Paroches, and erected another Bishoprick
at *Winchester*, where he placed *Wine* as Bishop.

(p) 'Tis most probable it was *Dunwich* upon the Coast of *Suffolk*, (q) *Cynigils* as King of
the Nation, and *Oswald* as the most Potent, who then had the Title of King of *England*.

The Heptarchy.
A. D. 623.
Ibid. c. 14.

Eorpwald
King of the
East-Angles
receives Chri-
stianity.
A. D. 632.
Ibid. c. 15.
A. D. 633.

Sigbert King
of the East-
Angles.
A. D. 635.
Ibid. c. 16.

They are con-
verted by Fa-
lix.

Ibid. c. 18.
The Archbishop
of York and
Canterbury
have power to
consecrate one
another.
A. D. 634.
Bede. l. 3. c. 1.
& c. 3.
Aidan sent for
by Oswal.
An. Dom. 637.

The West-
Saxons con-
verted.
A. D. 637.
Bede. l. 3. c. 7.

Peada

The Heptarchy.
A. D. 755.
Peter-pence
given by Ina.
Spel. Conc.
fol. 230. &
passim.

Z.
A. D. 742.
a.
b.

Cloveshoe
Council where
King Ethel-
bald presided.
Ibidem.
Ethelbald's
Lust and Luxu-
ry.
A. D. 715.
The Saxons
wickedness.
Boniface Arch-
bishop of Mentz
reproves Ethel-
bald.
Spel. Conc.
fol. 232, 236.

The second
Council of Clo-
veshoe.
Cuthbert
Archbishop pre-
sides.
C.
A. D. 747.
Ibid. a fol. 242.
ad fol. 256.
d.

The Lord's-
Prayer and
Creed to be
taught in the
Vulgar Tongue.

The Drunken-
ness, Inconti-
nency, &c. of
Ecclesiasticks.

Murder and
Adultery pu-
nished only with
Pennances.
Ib. fol. 282, &c.

Iamb. peram.
Kent 488.
Cloveshoe
where.

About this time Ina King of the West-Saxons being at Rome, gave the famous Alms called *2 Peter-pence* toward the maintaining of a Saxon-School, which was a Penny of every House or Family yearly to be paid at the Feast of St. Peter ad vincula, or the first of August.

Under Ethelbald King of the Mercians, there was a great Council held at *b Cloveshoe*, he presiding, Cuthbert Archbishop of Canterbury, and the other Bishops being his Assessors, wherein the Privileges granted to the Church and Monasteries by Withred, in the Convention at *Besfield* are confirmed, and nothing else done.

This Ethelbald condemning Marriage, yet gave himself all the freedom and enjoyment of unlawful Lust; making no difference between Places and Persons, Cloysters and Nuns, Palaces and other Women were alike to him, and by his great Example the Nobility and People were infected with an universal Vitiolousness and Luxury; which Boniface the Pope's Legate then in Germany hearing of, notwithstanding Ethelbald's good Works and Alms, he sharply reproves him by an Epistle, which had such a good Effect upon him, that he repented of his former Life, and endeavoured to make satisfaction by many charitable Works, and several large Immunities which he granted to the Church and Monasteries.

There was a second famous Council held at the same Cloveshoe, at the instance of Pope Zachary, who by his Epistles severely admonisheth the Saxons of all sorts, Kings, Nobility, Clergy, Religious and Laity, that they leave off their wickedness; here Cuthbert Archbishop of Canterbury presided, King Ethelbald, his Dukes and Princes being present, the chief Canons worth notice were, That Bishops should prosecute their Pastoral Charge, and not Secular Affairs; That once in a year they should visit, and go through their several Parishes or Diocesses, and take account of the Regularity, labour, and sufficiency of their Clergy: That the Priests who understood not the Creed, the Lord's-Prayer, the words of the Mass, and of Baptism, should learn to understand and teach them in their own Tongue, especially the Creed and Lord's-Prayer, that they ought not to intermeddle in worldly Employments, and in their singing of Psalms and Hymns, those that understood not Latin, might say them in the Saxon Tongue. The rest for the most part are Provisions against the Inordinacy, extravagant Garbs and Vestures, Drunkenness, Incontinency, Luxury, Irregular living as well of the Secular Clergy, Monks and Nuns, as of the Laicks. The reigning Vices in these times (as appears by Egbert Archbishop of York his Canons for remedy of sin) Fornication, Adultery, Murder, Drunkenness, Perjury, &c. were only punished with longer or shorter Pennances, of so many Days, Weeks, Months or Years, but what these Pennances were, it is not declared.

(2) Otherwise called Romecot, Romefee, Heorib-penny. (a) He was then also styled King of England in Boniface Bishop of Mentz his Epistle to him. (b) In Saxon Cloveshoe, or Cliffe at Hoo near Rochester, or Cliffe at Hoo, that is Cliffe in the Baylwick or Hundred of Hoo in Kent, if then perhaps there were such Divisions in this County. (c) The Latin words are *Duces* and *Principes*. (d) The Latin is *Parochie* only.

Charlemaign

Charlemaign King of France sent a Synodal Book of the Second Council of Nice, to Offa King of Mercia, which was imposed here upon the English Saxons, and contained many things contrary to the true Faith, especially the injoyning Adoration of Images, which the Church of God execrated; against this one Albinus or Alcuinus wrote an Epistle, and presented that with the Book, in the name and person of the Bishops and chief men of the English; to the King of France.

King Offa of the Mercians to expiate the treacherous and base Murder of Ethelbert King of the East-Angles, who came to him with all respect, to desire his Daughter in Marriage, built the Cathedral at Hereford, and dedicated it to him, and founded also the Monastery of St. Albans, and going to Rome in Pennance, gave to St. Peter, and the then Pope, Rome-penny, or Peter's-penny, that was a Penny of every Family in his Kingdom. Spelman out of the Life of Offa, says these *2 Peter-pence* were given to the English School at Rome, for the Sustainment of English Scholars there; he rather confirmed Ina's Gift before mentioned.

Sim. Dunelmensis says this year the Danes invaded England, and that they landed in the North, but Matt. of Westminster, where ever he had it, tells another Story, that they came first hither as Spies in three Ships to discover the Country, somewhere about the West, and that landing by stealth, and entering the Kings Town, they killed his chief Officer thereof, in the time of Brithric King of the West-Saxons Anno Domini 791. but the Country coming in, forced them to their Ships again. It may be probable according to the opinion of some, that they were only Pirates with a general Commission, and that they landed here by accident; or were by weather forced upon this Shore.

This Church Story is lame and incoherent, yet 'tis all I could find worth notice, amongst the many Volumes of the ancient Monks, they being nothing almost but vast heaps of Legends, Tales, and vulgar Reports which passed for current in those ignorant and credulous times; nor is there any more methodical or authentick Story to be expected for some, and those not a few years yet to come; yet out of these Clouds of darkness, out of these voluminous, idle, vain, inconsistent Discourses, a man may pick out matter sufficient for strange admiration, when he shall observe the frequent Fastings, the fervent Prayers, the large (and I had almost said) profuse Alms of those times; what stately and magnificent Fabricks, Churches, Palaces, and Monasteries were built and founded in those days; what plain and unlearned Zeal, what obedient, quiet, and hearty Devotion, then possessed the minds of the People, when in 220 years time, thirty English Saxon Kings and Queens left the World, and entred into a Religious Solitude.

(e) Spelman out of the Book of the Life of Offa, affirms they were called Peter-pence, because they were paid exactly on the day of the Feast of St. Peter ad vincula, as common Rents are called *Mischelmas*, and our Lady-day Rents, because due or payable upon those days.

The Heptarchy.
A. D. 792.
Simon. Duncl.
fol. 417.
Image worship
first used in
England.

Offa murders
Ethelbert
King of East-
angles.
Brompton 754
A. D. 793.
Regius Rome-
penny or Peters
penny.
Spel. conc.
fol. 311.
c.

De Hist. Eccl.
Dunclm.
col. 12.
Danes first ar-
rival.
A. D. 793.
Florileg. in
that year.

The Devotion
and Pity of
Elder times.

Marham's
Preface to the
first Volume of
Monasticon.

Conc. fol. 311.
313.
Peter-pence
why so called.

The

Egbert Monarch.
A. D. 834. &c.

The Secular Story of the Saxons almost ever since their first entrance, I have hitherto omitted, confining chiefly of Wars, by which we may know and understand their Barbarity, Violence, and Rapine; but for what cause they were undertaken, by what Counsels directed and managed, or what Reason or Justice there was for them, we cannot once guess, the Relations of them being so narrow and frivolous.

Nor are the Battels themselves described more artificially than the Combats of Bears and Wolves, or the Skirmishes of Kites and Crows in the Air. There were frequent attempts upon one another's Dominions, amongst their petty Kings, and as frequent Rebellions of the great men against them, and oft-times in some or most of these Nations, he whom Riches, Popularity, or Faction advanced, took on him the Title and State of a King.

Egbert King of the West-Saxons.
Saxon Ann.
A. D. 84.

Egbert the famous King of the West-Saxons, made himself Monarch of the Saxon Heptarchy, and as some affirm of Great Britain, his Title to the West-Saxons Kingdom he derived justly from Ina. Thus he was the Son of Edmund, he the Son of Eafa, he the Son of Eoppa, he the Son of Ingild, and he the Brother of Ina, whose direct Line was extinct, when Egbert assumed the Diadem, and was called out of France by the West-Saxons (being there an Exile) to undertake the Government.

He conquers the Cornish and Welch Britains.
I.

His first Achievement was against the Britains in Cornwall, and the North-Britains in Wales, whom he subdued and made Tributary: by the Fame of these Victories, he became a Terror to the other petty Kings, only Bernulph King of the Mercians, swelling at his success, thought it would be a glorious and bold attempt in him, to rescue others from fear, and to make War upon Egbert, who cheerfully gives him Battel, wherein Bernulph and his Forces were totally routed.

Bernulph routed, and Mercia conquered by Egbert.
A. D. 806.
Malmesb. de gest. reg. 1.2.c.1.
A. D. 814.
Ibidem.
The South and East-Saxons conquered by Egbert and the East-angles.
Ingulph. Hist. fol. 487.4.

The West-Saxon King urged forward with this Victory, sent his Son Ethelwulf, with Alstan Bishop of Sherborn, to take in Kent, which they presently added to the West-Saxon Dominion, and proceeding, drove Baldred the King thereof, over the Thames; and some years after, he subdued the South and East-Saxons; soon after the East-angles, encouraged by Egbert, slew Bernulph and Ludcan Kings of the Mercians, and their Successor Wiltlaf at first expelled his Kingdom by Egbert, afterward by the Mediation of Sivar Abbat of Crowland (with whom he privately remained in that Monastery) was restored upon condition of Subjection, and payment of a yearly Tribute. In the same year the Northumbrians broken with Factions, and wearied by the Usurpations and Pretences of several ambitious Princes, gave hostages and submitted themselves to Egbert.

Malmesb. ubi supra
The Kingdom of Northumberland yields to Egbert.

(f) So called in respect of the Cornish Britains, from whom they were situated due North, an arm of the Sea, or the mouth of the River Severn only parting them.

And

And now though he enjoyed Britain, yet he enjoyed not the full satisfaction and pleasure of his Conquest, for the Danes landing in the Isle of Shepey, wasted it, and the next year coming again in thirty five Ships, they landed at the River Car in Dorsetshire, where Egbert sought them, with a great slaughter on both sides, yet so as the Danes made good their ground and encamped. Herefrid and Wigferth two Bishops were here slain, as also Duada and Osmund two Saxon Commanders. Two years following a great Fleet of the Danes arrived again, and joyned with the Cornish Britains, against Egbert, who overthrew, and put them to flight, and the next year died.

Egbert Monarch.
A. D. 833.
Danes land in Shepey.
At the River Car in Dorsetshire.
An. Dom. 833.
Two Bishops slain.
They land again
A. D. 835.
A. D. 839.

After his acquirement of the whole Heptarchy, by Edict, he caused it to be called England, which in Latin was called Anglia from the Angles, the most numerous and valiant of the three Nations, which came hither with Hengist, they possessed the Kingdoms of Northumberland, Mercia, and East-Anglia, the Jutes, only Kent and the Isle of Wight, and the Saxons, East-Saxony, South-Saxony, and West-Saxony, yet long before this time it might be, and was called Eng-land, though not by a publick Edict, for Bede inscribes his Book, the Ecclesiastick History of the English Nation; and Pope Boniface writes to Ethelbert King of the English, and Gregory sent Augustin to preach to the English Nation, also Ercombert King of Kent, and Oswy King of Northumberland (or of the English as most Potent) sent Wighard to Rome to be ordained Bishop of the English. Nor was he perfectly absolute, notwithstanding he became Monarch of England, for some, if not all the petty Kings, though Tributaries, held their Titles for many years, and some Successions of Monarchs after him; as Wiltlaf King of Mercia under Egbert, and Bertulph under Ethelwulf his Son, Beorred King of Mercia, and Edmund King of East-Angles under the same; and so they continued at least until Edward the Elder.

Bedel. 1.2.c.4.5.

Ibid. 1.4.c.11.

Ingulph's History. fol. 487.a.
Ibid. fol. 488.b.
Ibid. fol. 491.a.

Ethelwulf eldest Son of Egbert, by some of the more Modern Authors said to have been a Monk, and Bishop of Winchester, took upon him at the request and importunity of his Nobility, the Government of the Kingdom of the West-Saxons, his Father giving to his Brother Athelstan the Kingdoms of Kent, Essex, Surrey and Sussex, or of the South-Saxons, which afterwards by the Death or Cession of Ethelstan, came under the Power of Ethelwulf, who being of a quiet and still temper, the Danes made their advantage of him, with whose Invasions the most part of his Reign, he was mightily afflicted; and with whom in one place or other, there were Battels or Skirmishes almost every year, sometimes the Saxons, sometimes the Danes

Ethelwulf.
G.
A. D. 836.
Saxon Annals.
A. D. 836.
Malmesb. 1.2.c.1.

h.

(g) By Math, of West-Drampton, and many others, but not mentioned by Asser, Ma'msbury, or in the Saxon Annals, and therefore suspicious. (h) Barely mentioned and briefly touched in the Succession of several years, in the Saxon Annals, and in Asser, whom they follow, insinuating upon them according to their Fancies; as that Duke Wulfheard fought against three and thirty of their Ships at Hampton, A. D. 887, and the same year Consul Ethelhelm fought the Danes with the Dorsetshire men at Port, where at first Ethelhelm, but at last the Danes prevailed; the next year Earl Herebert was killed in Battel of the Pagans, and many others at Merspur, and the same year the Counties of Lindsey, East-angles, Kent, &c. were harassed and destroyed, and many slain by them, and the next year they made great slaughters at Camerbury, London, and Rochester, and so forward nothing but insignificant Relations.

Saxon Annals and Asser in these years and so forward.
The Danes harass Lindsey, East-angles, Kent, London, Camerbury, and Rochester.

prevailing,

Ethelwolph
Monarch.
A. D. 836.
Danes often
beaten, yet it
availed not the
English.
Their often
fresh Supplies.

prevailing, who by their often Invasions in every part of the Kingdom, rather seemed to pray upon and waste, than conquer and possess England: if at any time they were repelled, and very much beaten by the English, it availed nothing, there coming presently greater Fleets with fresh Supplies, and while the Saxons or English marched to oppose them in the East, they shipped themselves and invaded the West, or some other Quarter, so that the People despaired of any means of Safety.

Ingulph. Hi-
storia.
Vol. 491. 2.

i.

k. l.
Ethelwolph
grants the Tithes
of all England to
the Church.
A. D. 855.
Ibidem.
Ingulph. hi-
storia. 491. 2.
This Grant sub-
scribed by all the
Kings and No-
bility in En-
gland.
Ibidem.
Ordered to be
published in
every Church.
m.
After. de ges-
s. Afr. fol. 1.

Ethelbald con-
spires against
his Father, ib.
Ibid. fol. 3.
Between Ethel-
bald and his Fa-
ther, the King-
dom is divided.
A. D. 858.

Great Councils
or Parliaments.
Tenth Manfion,
Hide or Tene-
ly, what it sig-
nifies.

History of
Tithes.
fol. 106. &c.
Ibid. fol. 107.

The King, Nobility, and Clergy, over-set as it were, and strangely afflicted with the Depredations of these Pagans, judging these Evils and Miseries to be the Consequences of their Sins, bethought themselves of a wholesome and uniform Remedy (as they affirmed it) and a Security against their Enemies, which was an Act of the great Council or Parliament in those days, however it be commonly called the Grant of King Ethelwolph, of the Tith of the Profits of all Lands, free from all Burthens, Taxes, and Exactions, what-
ever to the Church; this Grant, by the consent of that great Council, was signed by all the Archbishops, Bishops, and Secular States of all England, by Beorht King of Mercia, and Edmand King of the East-angles, then Subject and Tributary to Ethelwolph, who after it was subscribed, offered it upon the Altar of St. Peter the Apostle, in the Cathedral at Winchester, where the Council was held, and the Bishops caused it to be published in every Church of their several Diocesses or Parishes.

This done he went to Rome, leaving the Danes in Shepey Island, and carried with him his beloved Son Alfrid, and staying there a year, returning through France, he brought with him Judith Daughter of Charles King thereof, whom he had married.

In his absence, Ethelbald his eldest Son, Alstan Bishop of Sherborn, and Canwall Earl of Somersetshire conspired against him, and would have excluded him the Kingdom, who foreseeing the Dangers and Miseries of a Civil War, out of his meer Clemency, and great Condescension, by the assent of his Nobles, divided the Kingdom between himself and his Son, he taking the East part, and leaving the West part, which was the best and greatest, to Ethelbald; two years after his return from Rome, he disposed the Kingdom to his two eldest

(i) The General Meetings of the Bishops, great or wise Men, as they were frequently named, or of the States or Baronage, were called *Witenage gemotes*, *Mycel*, Synods, great Councils, and afterwards Parliaments. (k) Tiths might be paid by some Persons, and in some places before this Grant, but this was the first publick Act that imposed a necessity of paying them. In Ingulph the Latin words are *decimam Manfionem*, that is, *Alidam seu famulam*, the Tenth Hide or Family; which perhaps might relate to the Poor Parson which was to be maintained upon every Tenth Manfion as above noted; or perhaps if the Tenth Manfion were given. It might be the first Foundation of the Rectory and Glebe Lands in every Parish: for besides this laid in Ingulph, that the Tenth of all Goods, were granted to the Church: In others the Latin words are *decimam partem terrarum per regnum nostrum*; the things granted, however expressed, were the Tithes of the Profits of all Lands, as *Selden* concludes, for as he affirms, whether it be the Tenth Hide, the Tenth Manfion or things, or the Tenth part of the Land, it is all one, they being words that signify the same thing, and import no more than the Tenth part of the Profits growing in them. (l) Free from Military Service, building and repairing of Bridges and Castles, called the *Trinoda Necessitas*, to which all Lands whatsoever were subject. (m) The Latin words are, *Per omnes Ecclesias in suis Parochiis*.

Sons,

Sons, and his Hereditary Estate to his other Sons and Daughters. For the advantage of his Soul, he ordered that in his Hereditary Lands, every Tenth Hide or Manfion, should maintain one Poor Parson with Meat, Drink, and Cloathing; he commanded likewise there should be three hundred Marks carried to Rome every year, and to be thus disposed of, one hundred Marks to buy Oyl for the Lamps in the Church of St. Peter, as much to buy Oyl for the Lamps in the Church of St. Paul, and the other hundred Marks to the Pope, in this year he died.

To him Ethelbald and Ethelbert the two elder Brothers succeeded, the former lived but two years after his Father, and there is nothing memorable of him, but his infamous Marriage with Judith his Father's Widow. After his death, Kent, Surrey, and Suffex, with the whole Kingdom, came under the Power of Ethelbert, in whose Reign the Danes sacked Winchester, who returning to their Ships with a mighty prey, were met by Osric Earl of Hampshire, and Ethelwolph Earl of Berkshire, and overthrown with great slaughter. Ethelbert, after he had reigned honourably five years, and much loved of his Subjects, died; and was buried at Sherborn with his Brother.

About this time the Danes wintered in Thanet, the Kentish men making a firm League with them, buying their Peace with Money, but the Pagans repenting themselves, and judging their bargain disadvantageous, by a sudden Irruption in the night, wasted all the East part of Kent.

Ethelred the third Son of Ethelwolph, followed his two elder Brothers in the Government, whose Reign was a continual conflict with the Danes, who under the Conduct of Hingnar and Hubba, as the most affirm, arrived in great Numbers, and form a great Army in the Kingdom of the East-angles, where they wintered, striking a League with the Inhabitants, and Horning themselves in those Parts, roved up and down, and almost wasted the whole Nation; they first marched to York, where they made their advantage upon the Civil Dissentions of the King and Nobility of Northumberland, and became Masters of that Country; from thence they march to Nottingham, from thence into Lindsey in Lincolnshire, from thence into Kesteven in the same County, and from thence into Holland another part of it, so into the Isle of Ely, from thence into the Province or Kingdom of the East-angles, and wintered at Thetford, near unto which place Edmund King of the East-angles, assaying them with his whole Army, was put to flight; himself being slain, and his whole Country subdued, from hence the next year they marched to Cambridgeshire, thence toward the West-Saxons, to Reading in Berkshire, to Warham in Dorsetshire, Basing in Hampshire, &c. Excester in Devonshire.

(n) These two Leaders are not mentioned in *Affer*, the Saxon Annals of Malmbury to have had the conduct of the Danes at this time, nor at any other, unless it were some Parties of them, and therefore the Relations of the Moderns are here to be suspected.

Ethelwold;
Ethelbald;
Ethelbert;
A. D. 858.
Ethelwold
gives three
hundred Marks
to Rome.
Ibid. fol. 4.

Ethelbald and
Ethelbert.
Ibidem.
A. D. 860.
Winchester
sacked.

The Danes
beaten.
Ibidem.

Ethelbert dies.
Ibidem.

A. D. 864.

The Danes
wast East-Kent.

Ethelred the
third Son of
Ethelwolph
King.
The Danes ha-
rast almost the
whole Nation.

Saxon Annals.
A. D. 866. and
so forward.
After de gessis.
Alfrid about
the same years.

A. D. 870;
Saxon Annals.
Edmund King
of the East-
Angles slain,
and his Country
subdued

Their

Q

Ethelred.
A. D. 870.

De gestis regum, fol. 22. b.
Saxon Annals.
A. D. 871.
Alfred's Fight.
Oleg & Danish King, and five Earls slain.
Monasteries destroyed.

O.
The Danish Cruelty.

After de gestis Alfr. fol. 7.
A. D. 871.

P.
Ælfred.
A. D. 771.
Beaten at Wilton.

After de gestis Alfr. fol. 7. 8.
The Mercians make Peace with the Danes.
A. D. 872.
Malmsb. de gest. Reg. l. 2. c. 4.

Ælfred fights with various success.
De gest. Alfr. fol. 9.
Danes come over in great Numbers.
Ælfred reduced to great straits.

Secures himself in the Fens.

Crowland, Peterborough.
Ingulph Hist. 497. a.
The Charter in Ingulph bears that date, and it is there said to be then built, or about that time.

Ibid. 498. b.
Ibid. 504. b.
The Wealth of Crowland Abbey.
Ibid. fol. 7.
Secundarius what he was.

Their Marches and Progresses are variously described by divers Authors, as *Asser*, the *Saxon Annals*, *Ingulph*, *Florentinus*, *Wigornius*, *Florilegy*, &c. The opposition they met with, the Battels fought, the Leaders, Commanders, and Places names also by them variously reported, and the *Saxon Annals* themselves, the Foundation and Basis of their Histories being very obscure, they have yet rendered the Truth more difficult and obscure, by their Additions and Inventions, so that what to believe or reject, will puzzle the most judicious Reader. *Malmsbury* says this King fought nine Battels with the *Danes* in one year, with various Fortune, yet in most he was Victor; and that he killed them one King, nine Earls, and common People without number: That the last Battel was at *Alb-don*, where he and his Brother *Alfred* put them to flight, slew their King *Oleg*, five Earls, and a great number of People; most certain it is, wheresoever they came, they laid all waste with Fire and Sword, demolished Cities, Towns, Castles, Churches, and Monasteries; they spared no Age, Sex, or Condition of People; Priests, Monks and Nuns they most horribly abused, and massacred more cruelly and readily than others, and for this reason there is little of Church Affairs left us in this Age; worn out with these Afflictions, *Ethelred* died, and was buried at *Winburn* in *Dorsetshire*.

P *Ælfred* fourth Son of *Ethelwolph*, scarce fixed in his Throne, when he encountered with the *Danes* at *Wilton*, much his Superiors in force, yet at first he worsted them, who notwithstanding in the end, obtained a great Victory; from thence they marched to *London*, where they wintered, with whom the *Mercians* made Peace.

But here I shall follow the Method of *Malmsbury*, who that he might not confound his Readers with the Stories of the *Danish* Rapines and Slaughters, with their hurrying, and swift removals from one part of the Nation to the other, the Narratives whereof are as Irregular, Tumultuous, and fluttering, as their Marches themselves, he totally omits the particulars, wherein *Ælfred* had the fortune of War, sometimes conquering and other while being conquered, for if *Asser* says the *Danes* came hither with such often supplies, and in such great numbers, that if thirty thousand were killed one day, there succeeded others to double that number, until at length *Ælfred* was reduced to such streights, that with a few of his Nobles, and some Soldiers and Vassals, he was forced to secure himself in the

(o) As at this time the Monasteries of *Croyland*, or *Crowland*, *Medeshamstede*, now *Peterborough*, *Ely*, and many others, the reason may be for that they were very Rich in Money, Jewels, and Plate, which might move the *Danes* to rife and destroy them, as much as their Enmity to the Christian Religion; and indeed at their first arrival and plundering here, they landed as near as they could to Monasteries, and made it their business to destroy and sack them, an instance of their great wealth may be the Abbey of *Croyland*, which about 104 years after this Destruction of it, it being rebuilt by *Edred* King of Great Britain, A. D. 948, at the time of the Death of *Abbat Turretin*, A. D. 975. In the sixteenth year of King *Edgar*, the Treasure of the Monastery then brought forth before the Convent, amounted to 10000 l. (p) *Ælfred* or *Alfred* before he was King, was Secondary to his Brothers, whom he excelled in Willom, Justice, and Courage; the *Latin* word is *Secundarius*, which cannot here signify the second Person in the Kingdom, for that he was by Birth in *Ethelred's* Reign, but he was not so in *Ethelred's* time, it must therefore signify an Office, and whether he was a Vice-gerent, or an Assistant, or a Minister of State, I cannot determine, perhaps he was all, or at least the two last, for it appears in *Asser*, that all things were transacted according to his advice and direction.

Woody

Woody and 4 Fenny places of *Somerfetshire*, where they had nothing but what they got from the Pagans by frequent Irruptions, or such Christians as had submitted to them.

But not long after adventuring out of these fastnesses, with the whole force of *Somerfet*, *Wilt*, and *Hamshire*, which came unto him, marching swiftly early in the Morning, he set upon the *Danes* at *Eibandun*, where their Army lay, and by a great slaughter of them obtained the Victory, and had the pursuit of them to their Camp or Fortrels, and when he had there besieged them fourteen days, forced by Famine and Despair, they yielded, and begged Peace upon such Terms as he never had before, they offering as many Hostages as the King would require for the performance of them, which when the King had received, the *Danes* swore that as soon as they could, they would depart the Kingdom. Godrum their King presently became a Christian, to whom *Ælfred* was Godfather, and with him thirty of the chief men of his Army were baptized; *Ingulph* says that *Ælfred* gave to him and his People that staid with him, the Kingdom of the *East-Angles*, and that such as refused to be baptized, abjured England, and went into France.

Malmsbury says that *Ælfred* gave him that Kingdom, and also *Northumberland*, to hold of him by Fealty and Allegiance, which before he held by Violence and Rapine; perhaps in his latter time the greatest safety to *Ælfred* was the Sea Force, which he first advanced to any considerable height, have in number about 120 armed Ships, with which he several times destroyed his Enemies Fleets, and kept them from landing.

Learning in this Kings days, was at a very low Elb, there scarce being any that could read *English* on the South-side of *Humber*, or a Priest that could translate *Latin* into *English*, wherefore he translated *Gregory's* Pastoral into *English*, and sent a Copy of it to every Bishop, especially to such as did not well understand the *Latin* Tongue, to whom he thought it very necessary, yet after some repose and quiet from War and Tumult, he thought of the advancement of Learning and Justice, and the making of Laws; for effecting the first, he sent into France for *Grimbald* and *John* the Monk, and into *Wales* for *Asser*, who read to him, and wrote the History of his Life, whom he placed at *Oxford*, there to read in several Sciences, where not long after their coming, there happened a great Contest between the Scholars they found there, and these Strangers, the first pleading their Antiquity and Seniority against the latter.

(q) Now the Isle of *Athelney* in *Latin*, *grønnesa loca*, without doubt from *Gron* an old *English* Saxon word, signifying a Fen, or low Moory boggy ground, and the parts adjacent are now called *Moors*, and hence *Gronning*, the chief Town in the Province of that name in the *Netherlands*, for that 'tis situated in such a Country, and other places of the like found. (r) In *Asser* *Godrum* and *Goltum*, in others *Gystru*, *Gothrum*, or *Gurmund*; in *Malmsbury's* Laws, *Gystru* or *Guthrum*.

Ælfred.
A. D. 878.

Q.

Ibid. fol. 10.

Ælfred suddenly sets upon the Danes, and obtains a great Victory.

The Danes beg Peace.

And swear to depart the Land.

R.
Godrum their King becomes Christian.
Hist. 494. b.
Some Danes abjure the Land.

Northumberland given to Godrum.

Ælfred's Sea Force 120 Ships.
After. fol. 10.
A. D. 877.

In Prefat. P. d. Noralis Gregor apud Ar. fol. 1. 7. 28.
The Ignorance of the Bishops, Priests and People in Ælfred's day.
A. D. 884.
Ælfred's design for the advancement of Learning.
A. D. 886.
After. fol. 16.
The Controversie between Grimbald and the Oaxians.

Cam. Brit. fol. 163.
Gron wist.

Godrum his several Appellations.

Q 2

The

Alfred.
A.D. 886.

The King hearing of the Controversie, goes to Oxford to put a period to it, who shewing much moderation, and endeavouring to reconcile them by perswasion, it so moved Grimbold (who thought himself sure of the Kings favor,) that he left Oxford, and went to the Monastery at Winchester, and removed from thence to Winchester also the Tomb wherein he designed to lay his Bones.

Ibid. fol. 10.
f.

Alfred gave the half of the Revenue which came into his Exchequer, every year to charitable uses, which he distributed into four parts, one whereof was ordered for the support of his School, which chiefly consisted of his Nobility, he also ordering that the Sons of Free-men should be brought up in Learning until they were fifteen years of Age.

Affer. fol. 11.
Alfred's great
care of Justice.

In doing Justice he was so careful and exact, that he would inquire after all the Judgments and Decisions of the whole Country made in his absence, and strictly examine them whether just or unjust, and if he found any Iniquity in the Sentences of his Judges, he would ask them whither it proceeded from Ignorance, or a corrupt mind, if they answered from Ignorance, he reproved their Folly and Unskillfulness, and admiring their Insolence, that they should pretend to do what they understood not, commanded them either to lay down their places of Judicature, or by applying themselves to Study and Books, make themselves more fit and skillful to perform them; and it was wonderful to see how many illiterate Earls, Sheriffs and Ministers, (many of them in their old Age) rather than part with their Places and Profits, addicted themselves to laborious Studies. His Laws, whereof many were Ecclesiastick, for the most part were Collections from the Laws of Ina, Offa, and Ethelbert, which were made, and the Observation of them commanded, by the advice and assistance of his Council, such as were fit for the present time were retained, others antiquated, and some new ones made,

Hereproves the
ignorance of his
Judges.

t.

And they add
themselves to
laborious Stud-
ies.
Brompton
col. 819.
The Laws col-
lected out of the
Laws of prece-
dem Kings.

Ll. Alured,
fol. 11.
Estate entailed
in his time.

Ford. Alured.
& Guthrum.
Ibid. fol. 36.
Hundreds and
Tithings erec-
ted by Alfred.
u.

one or two of the Secular Laws that are observed among us at this day shall be noted. As that for Entailing Estates, They that had Book-land, or Estates in Land that came to them, or passed by writing (or perhaps as we now call it Deed) from their Ancestors could not sell or alien it from their Heirs; and that for vouching of things sold, &c. no man's Horse or Ox could be bought or sold without a Voucher, that is one then that should take upon him to make good the sale, and thing sold according to the Bargain. This King, according to Ingulph, first divided the Provinces into Counties, those into Hundreds, and those again into Decimes or Tithings, that every English man living

D. Giffis. Af-
f. 11. fol. 284.

Hilior. Croy-
land, fol. 485 a.

(f) So were all places of literature called at this time, the Formality and Constitution of Universities not being then the same that it is at this present; such an one was the School of Sigebert, which he erected in his Kingdom of the East-angles, and not perhaps without much probability at Cambridge. (g) The Latin word is Comes, which the Saxon translates by Alderman, and we by the Danish word Earl. (u) Without doubt, as to this part of the Division, Ingulph was mistaken, for after who lived in Alfred's time, mentions Offic Earl of Hampshire, and Eibelmolf Earl of Berkshire, under Eibelmolf and Eanmolf Earl of Somersetshire under his Father Eibelmolf. There are also mentioned as witnesses to a Charter of King Eibelmolf's, A.D. 716. cited by Ingulph, Egga Earl of Lincoln, and Leucius Earl of Leicester, therefore such Divisions were before: nevertheless 'tis most probable the Partitions of Counties into Hundreds and Tithings were made in his times, as appears in the notices.

under

under Law, should be within some Hundred or Tithing; of this see more in the first part of this History. He made also a Survey of all the Counties, Hundreds and Tithings throughout England, and the Roll thereof was called the Roll of Winchester, (the chief City of the West-Saxon Kingdom) because it was kept then, out of this Roll, and that afterwards made by William the Conqueror in imitation of it, but more exact, Ingulphus took out the Particulars of the Lands and Tenements belonging to Croyland Abbey.

Edward the
Elder.
A.D. 886.
All Counties
surveyed by Al-
fred.
In his History,
fol. 116. b.

Edward his Son called the Elder, (because the first) succeeded Alfred, less learned, but more Potent. In the beginning of his Reign he received some disturbance from the pretences of Ethelwald his Uncles Son to the Kingdom, who not being able to make good his Cause, fled to the Danes in Northumberland, and prevailed with them to invade Mercia, where Edward marching upon them, forced their Army to retreat, and wasted all the Country between the Ditch and Ouse, even to the North Fens, and not long after both Armies joyned Battel, and fought with great loss and slaughter on both sides; Duke Signif, Earl Sigelm, Eadwold the Kings Thane, the feditious Ethelwald, Brihtsgerius, Isop * Hold, Osketil Hold, with very many other Saxons part, on the Danes part their King Eobric, the common Commanders and common Soldiers; yet by the Story the Danes seemed to have kept the Field; what the event of Battel was, appears not, however two years after Edward makes Peace with the Danes.

Edward the
Elder.
A.D. 907.
Sax. An. 901.
Disturbed by
Ethelwald,
Ibid. 907.
Who flies to the
Danes in North-
umberland, and
persuades them
to invade
Mercia.
X.

A great slaugh-
ter of Saxons
and Danes.

Ibid. 907.

The East-Angles and Northumbrians which were now one Nation with them, not long after the Danes broke the Peace, and wasted his Countries, to whom he gave Battel, overthrew them, and killed their King Eowils, pursuing this Victory, and marching for several years up and down into all parts of his Country, he, with the assistance of his sister Elfled Countess, Queen of Mercia, every where expelled the Danes, and either built and erected new Towns and Fortresses in all convenient places, or repaired the old, and placed strong Garrisons in them, especially towards the Frontiers, by which means he checked the Insolency of the Danes, and hindered their Excursion, their places of Safety and Retreat, added such courage to the Country-men, that whereas before they fled from the Danes, now they out-braved and contemned them. These things raised him to such a Reputation, that after the accession of Mercia to his former Territories, (which he took into his own hands after his Sisters Death) Howel, Cleane, and Jeothwell, Kings of the North-Britains, and the whole Nation, submitted, and desired him for their Lord and Master, as did also not long after the King of Scots and all his Nation, the Northumbrians, the English and Danes, and other

Ibid. 911.
The Danes
beaten.

Milms. de ge-
stis reg. 12. c. 5.
Ingulph. Hist.
fol. 595. b.
Edward re-
pairs his Towns
and Fortresses,
and places
strong Garrisons
in them.

Saxon Anals.
A.D. 922.
The North-
Britains or
Welsh submit.
Ibid. A.D. 914.
And the Scots
Danes and
Northumbrians.
Diwels-Ditch.
Hold what and
rebo.
North-Bri-
tains who.

(*) This was that Ditch which is called Diwels-Ditch upon New-Market-Heath, and the Country here mentioned, was all that between this Ditch, Huntingdon, St. Neots, Bedford, &c. which are seated upon the River Ouse. (x) HOLD is a Danish word, and signifies a Field-Marshal, knight-Marshal or General. (y) These were those that inhabited that which is now called Wales, who were called North-Britains, in respect of those which inhabited Cornwall, who were called South-Britains.

Northern

Athelstan.

A. D. 924.

Stræclod.

He confirms the
League Alfrid
made with Gut-
thrum.
Lambinter L.
Edward Sen.
He makes many
Ecclesiastick
Laws.
Col 819.

Northern People, with the King of ² STRÆCLED Wales,
and his People.

This King, by the advice of his wife men, made several Laws,
and confirmed the League his Father *Alfrid* made with *Godrun* or
Guthrum, by Agreement of the Great men on both sides, and amongst
other Articles of the League, they enacted many Laws meerly Ec-
clesiastick, which were reputed as part of it; these Ecclesiastick
Laws are printed in *Brompton* amongst *Alfrid's* Laws, as being made
then, and are more perfect than in *Lambard*; and with others there
are Laws for the Payment of Tithes, *Peter-pence*, Candle-money, &c.
Edward dying in the year, 924. was buried with his Father in the
Monastery of *Winchester*.

Athelstan.

Lib. 2. de gess.

109. c. 6.

A. D. 924.
Perjury punish'd
with sudden
Death.

He obtains
many Victories
over the Danes
Scots and Irish
Ibidem.

The Welch a-
gree to pay him
a yearly Tribute
They are bound-
ed with the Ri-
ver We: e.

a. b.

Ibidem.

c.

The Cornish
with the River
Tamar.

Foreign Princes
purchase his fa-
vor with Gifts.

Stræclod

Welch who.

De reb. Scot.

l. 6. p. 175, 176.

(x) *Britains* which at that time inhabited *Galloway* in *Scotland*; *Buchanan* confesseth, that the
English Army being far inferior to the *Danes*, and the Forces with which the *Scots* assisted
them, yet under the conduct of *Athelstan*, who was *Edward's* General, they obtained a
great Victory, and took from the *Scots* *Cumberland* and *Westmorland*, and from the *Danes*
Northumberland; but he will not acknowledge the submission of *Scotland*. (a) The River
which passes by *Hereford*, and not far from *Chester*, falls into the *Severn*. (b) So called
because they inhabited the West part of *Britain*, which is now called *Cornwall*; they are
sometimes also called the *South-Britains*, in respect of the *Welch* which were called *North-
Britains*. (c) This River parts *Devonshire* and *Cornwall*, and runs into the Sea by *Plimouth*.

Story

Story was only found in the Songs of former Ages, and in no good
Author, his Grandfather *Alfrid* knighted this King in his Childhood,
putting him on a Scarlet Cloak, and girding him with a Belt set
with Gems, and a *Saxon* Sword in a Golden Scabbard. He with
the advice of his Bishops and great men, made many very good
Laws, for preserving Peace and the Government of his Country,
and some clearly Ecclesiastick; but amongst the rest established the
price of Murther or Man-killing, from the King to the Peasant;
the Punishment of which, at that time was Pecuniary, not Capital
or by Death, which because it makes out the Usage of those times,
I shall particularly recite.

The price of the King's Life by the common Law of the *English*,
was 30000 *Thrimſa's*, whereof 15000 were paid to his Kinred,
and 15000 to the Nation or People.

The Life of an Archbishop or Earl was valued at 15000 *Thrimſa's*,
to be divided as the former.

The Life of a Bishop or Alderman at 8000.

The Life of a Field-Marshal, Knight-Marshal, or General, 4000.

The Life of a *Maſſ-Thane* or Priest, and a Secular or World-
Thane, 2000.

The Life of a Peasant or Country-man, by the *Danes* Law was
267 *Thrimſa's*.

The Life of a *Welch-man*, if he grew so rich as to maintain a Fa-
mily, possels Land, and pay a yearly Tribute to the King, was va-
lued at 220 Shillings; but if he possessed only half of a Hide of Land,
then it was valued at 80 Shillings; and if he did not possels any
Land, then at 70 shillings. If a Churl or Rustick grew so Rich, as
that he became Owner of five Hides of Land, his Life was valued at
2000 *Thrimſa's*; or if his Sons or Grandchildren arrived to the same
Wealth, they were under the same Valuation.

The *Moricians* valued the Life of a Peasant at 200 shillings, and
the Life of a *Thane* at 1200, and they were wont to value the Kings
Life equal with 6000 *Thanes*, that is 30000 *Scentes*, and so much his
Death; the price of his Life was paid to his Kinred, and the Com-
pensation of his Death to the People.

(d) Most of the *Saxon* Kings Laws are Collections or Repetitions of other and former Laws,
they most commonly confirmed or new worded the old, but made not many new Laws.

(e) This Custom and manner of Punishment seems now very strange, that Money should
bea price of Blood and Murther, nay for the Blood of Kings; surely in these Ages Money
was more valuable than we can easily imagine. (f) From the *Saxon* word *THRIMſa*,
was, these Sums were a Poor Price, and a slender satisfaction for Blood, especially Royal
and Noble Blood. And therefore the learned Author of the Notes upon the Life of *Alfrid*,
thinks that willful, malicious, or clancular Murther was never Penal, but only Man-
slaughter, and that after it had been declared such by the Judges, fol. 68. But see *William*
the First his Laws.

The

Athelstan.

A. D. 924.

Athelstan
knighted by his
Grandfather
Alfrid.

d.

The Punishment
of Murther Pe-
cuniary.

c.

The Estimate
of Heads, or va-
lue of Lives,
from the King
to the Peasant.
f.

Thrimſa what,
Thrim.

Tit. hon.
fol. 501.

cars	Spel. 482.
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cars Spel. con. fol.
482.

Edgar.
A. D. 975.
He built and re-
paired 47 Mo-
nasteries.

Spel. com. 444.
And so forward.

Edward the
younger.
A. D. 975.
Malms. l. 2. de
gest. R. R. c. 9.
Vorileg.
A. D. 975.
Opposed by his
Mother in Law
Elfrida.

The Controver-
sie between the
Monks and Se-
culars divides
the Nobility.
Ibidem.

Two Councils
about this Con-
troverfie.
A. D. 975. 977.

Ibidem.

Ib. A. D. 978.
Edward mur-
dered by Elfrida
his Mother in
Law.

k.

Camb. Ibid.

wear the time of his Penance; all this was done with the applause of this great Assembly, to the praise of God and St. Dunstan. He died having reigned sixteen years, in which time he built and repaired seven and forty Monasteries and intended to have made them up fifty if he had lived. This, in all probability, was a great occasion of the Danes conquering England, for by this means he exhausted his Treasure or ready Money, and gave away a great part of his Lands, for the future maintenance of the Monks, who refused his Son Ethelred assistance according to his necessity. With the concurrence of his great Council, he ordained many Laws Ecclesiastick and Temporal, amongst which there was one for the payment of Tithes, another for the payment of a Penny to Rome imposed upon every Houle, at the Feast of St. Peter, under the Forfeiture of 120 shillings to the King; many Canons also were set forth in his time, which relish of the present Age, and contain nothing extraordinary.

Edward called the younger, the eldest Son of Edgar, by Egeffleda his Wife, was placed in his Fathers Throne, according to his just right, but contrary to the design of Elfrida his Mother in Law, and second Wife to Edgar, who made it her business to set up her own Son Ethelred, a Child of seven years of Age, and half Brother to Edward, that she in his Nonage might govern the Nation.

The Factions between the Monks and Secular Priests, begun in Edwin's days, were now revived, and extended themselves to the Nobility, many of which sided with each Party, Dunstan with the Monks, and all that Party, adhered closely to King Edward, the Seculars and other Party favoured Queen Elfrida and her Son Ethelred; many of the Nobility and great men threw out the Abbats and Monks which Dunstan had placed in Monasteries, and brought in and placed there Secular Clerks or Priests and their Wives; several Synods or Councils were held about this Controverfie between the Monks and Seculars, one at Winchester, another at Caln in Wiltshire. That at Winchester ended with confirming the Monks in their Possessions, moved to it by the voice from a Crucifix, pronouncing in favour of them; the issue of that at Caln is not clearly affirmed by the Relators telling only a Story of a Beam that fell down while the Discourse was hot about matters in Difference, where all or most were slain, but Dunstan who strangely escaped.

Amidst these Contefts of the Clergy and Nobility, Queen Elfrida took her opportunity of murdering Edward, to make way for her Son Ethelred, which she caused to be done after this manner: Edward, weary with Hunting, and being very thirsty alone, while his Attendance followed the Dogs, hearing that his Mother and his Brother Ethelred were at ^k Corvesgate, innocently went thither, she with all Demonstration of kindness welcoming him, commanded drink to be brought forth, and while he was drinking, caused one of her Servants, privately before instructed, to Stab him, after he had reigned about three years.

(k) Now Corfe Castle in the Isle of Purbeck in Dorsetshire.

Edward

Edward thus removed, left his half Brother Ethelred right Heir to the Crown, which he received in the presence of Dunstan Archbishop of Canterbury, Oswald Archbishop of York, and ten Bishops more, whom Dunstan severely rebuked for aspiring to the Kingdom by Blood, and prognosticated the Inundation of the Danes which followed: This King's Easiness, Inactivity, and Softness, gave the greatest occasion to the Danes Conquest, who well understanding his Temper, and enticed by the Riches of the Nation, and their Country-men here, (who lived in great peace and quietness until this time) first landed in one place, then in another, (tis to no purpose to name the particular places, or follow them in their Sea-rambles and Landings) first seizing the Towns and Countries near the Sea, then others more remote, until at last they wasted the whole Nation: Ethelred often attempted to drive them out of the Kingdom, and sometimes did beat them, but to no purpose, they always retired to their Ships with their Plunder and Spoils, and as often as they were worsted, were reinforced from Denmark and Norway.

His Nobility were not unlike him, being Easie, Supine, and Cowardly, and most of them allyed to the Danes in Blood, so that upon any great occasion, or fair hopes of Victory over them, he was for the most part by Fear or Treachery, betray'd by some of them, but by Edric more especially.

After many years experience of their barbarous Murthers and Cruelties, by the consent and advice of his great men, he sent Messengers to them to buy Peace, offering them Tribute, which was called ¹ Danegeld, and a present Sum of Money, so as they would desist from their Rapine and horrid Devastations, with which they seemed satisfied, but still destroyed the Country: Peace and Leagues were often made with them, and they as often broke them, after while, left England, gave over wasting it, and retired home with their Fleets, but it was, that they might return with greater Force, and receive a greater reward for their Barbarous Hostilities and unheard of Cruelties, until the Nation was exhausted of its Wealth and Glory.

(1) Compounded of the words Dane and Geld, that is, Money, and this word signified as much as Danes Money, Tribute or Tax paid to them.

The first Tribute paid to the Danes, that they should abstain from Rapines, Burnings, and Slaughters of men upon the Sea Coasts, and hold a firm Peace with the English, was 10000 l. in the year 991. See Lambard fol. 90. Fadu Ethelredt cum exercitu Anslav, &c.

The next Tribute paid them for the same Purposes in the year 994. was 16000 l.

The third paid in the year 1002. was 24000 l.

The fourth paid in the year 1007. was 36000 l.

The fifth paid in the year 1012. was 48000 l.

The sixth and last paid for the same ends and Intention to the Danish Army, when Cnut was King of England and Denmark, in the year 1018. was for all England 71000 l. and for London 10000 and 500 l. Cnut carrying and sending away the greatest part of his Army and Fleet into Denmark.

Ethelred.
A. D. 978.
Flor. Wigorn.
A. D. 978.

An easie un-
active King.

The Danes, af-
ter many years
quiet, invade
England.

Ethelred be-
trayed by his
Nobility.

The Danes bar-
barous Cruelty.

Flor. Wigorn.
A. D. 991. 994.
&c.

l.

Danegeld what
it was.

Flor. Wigorn.
A. D. 991.

Ethelred buys
Peace.

Ibid. A. D. 994.

Ib. A. D. 1002.

Ib. A. D. 1007.

Ib. A. D. 1012.

Ib. A. D. 1018.
At this day very
near if not full,
100 Millions
Sterling.

It

Ethelred.
A. D. 1012.
Mae. Westm.
A. D. 1012.
m.
Hen. Hunt.
fol. 106.
a. n. 50.
A. D. 1012.
Who says in his
Youth be receiv-
ed this Story
from very anti-
ent People.

n.
Gunhild Sister
to Swane King
of Danemarke
maffacred.
De gell. R. R.
l. 2. c. 10.

O.
He invader Eng-
land with a
mighty Navy.
Tragely over-
ran a great
part of the
Country.
And with great
Cruelty.

By Ethelred's
command Hen.
Huntingd.
A. D. 1001.
Every 310
Hides of Land
to set forth a
Ship, and every
nine Hides a
Soldier.
Hoveden in
that year.
This Preparati-
on came to no-
thing.
Ibidem.
Lord-Danes,
Lurdan whence
The Danish
Maffacre fupli-
tho.

Edric.
lb. A. D. 107.
Hoveden,
Anno eodem.
Malmfbur.
l. 2. c. 10.
What be was
His abominable
Treachy.

It is Storied that the *Danes* thus^m lording it, and domineering over the *Engliſh*, *Ethelred* thought to effect that by Policy, which by force he could not, and by the advice of ſome great men, ſent his Letters all over the Country, that privately on St. *Brice* his day at night (which was the thirteenth of *November*) the *Danes* ſhould beⁿ maſſacred, which was attempted, and they were all killed and deſtroyed accordingly.

In this Maſſacre amongſt the reſt, Lady *Gunhild*, Siſter to *Swane* King of *Danemarke*, (who after ſhe came hither, received Chriſtianity with her Huſband *Palingus*, and was pledge for the *Danes* obſerving the Peace) was by the fury of *Edric* Earl *Godwin's* Fathers Brother, ſays *Malmſbury*, barbarouſly murdered.

The News of this Bloody Tragedy moves the *Danes* to revenge, and the year following King *Swane* with a mighty Navy invades *Eng-land*, by the experience of his former Invaſions and Deſcents there, he well enough underſtood what advantage he could make of the *Engliſh*, preſently overran a great part of the Country, his Sword made no more difference between Ages, Sexes, and Conditions of People, than the Fire did of Houſes or their Materials, the Cruelty and Violence of one killing, and the Fury of the other deſtroying all it met with.

To obviate theſe dreadful Miſeries, and frequent Invaſions, *Ethelred* commanded that every 310 Hides of Land ſhould ſet forth a Ship, and ſo proportionably for a greater or leſſer Quantity; and every nine Hides a compleat Arms, or Soldier, but this great Preparation by ill management and forms, came to nothing, eighty of the Ships at one time being wracked by ill weather.

(m) The *Danes* ſay ſome of our Authors lived lazily and idly here, taking their Pleaſures, while they made the *Engliſh* their Slaves and Drudges, abuſing their Wives and Daughters; hence they were called *Lord-Danes*, and at this day in ſome Countries they yet call a lazy Idle Fellow *Lurdan*, which ſeems to be a corruption of *Lord Dane*. (n) This Maſſacre ſeems ſuſpicious, for that the *Danes* being diſperſed all over the Nation, and that it muſt be a buſineſs of time to give every place notice of the Deſign; 'tis ſcarce conceivable it could be carried on with ſo great ſecreſie required to ſuch an univerſal Surprize; beſides the Reporters of it agree not in the time or manner: *Hen. of Huntingdon* ſays it was in the year 1002. when the *Danes* lived peaceably and quietly in the Nation, *Mat. of Weſtmiſter* affirms it to be done in the year 1012. by the advice of *Huna* King *Ethelred's* General, upon the Inſolent behaviour of the *Danes* after Peace made with them; *Hoveden* agrees with *Huntingdon* in the year, and ſays that King *Ethelred*, not long after he had made Peace with them, commanded that all the *Danes* great and ſmall of both Sexes inhabiting *Eng-land*, ſhould be killed, becauſe they fought the Dominion of the whole Kingdom, and would have deprived him and his Nobility of their Lives. If there was any ſuch Maſſacre, it ſeems rather to have been done in the day time by Aſſemblies of the People called to-gether under pretence of Muſter, or ſome other publick buſineſs which might be an un-ſuſpected cauſe of their meeting. (o) One whom *Ethelred* had from mean degree advanced to be Earl of *Duke of Mercia*, and given him in Marriage his Daughter *Edgith*, he was called *Skeen* from his unſatiſfied Avarice, he was vally Rich, not by Nobility or Birth, but made ſo by his Tongue and Impudence; he was Crafty to Diſſemble, Cunning to In-vent, under pretence of Fidelity he dived into the King's Councils, and diſcovered them as a Traytor, being ſent to treat of Peace, he encouraged the King's Enemies to War. Ever when he ſaw *Ethelred* or his Son *Edmund* had any conſiderable advantage, he by ſome trick or other diverted them from the uſe of it; he was ſometimes on one ſide, ſometimes on the other, where he could get the beſt Plunder and moſt Money.

The

The next year came another Fleet of *Danes* under the leading of *Turkill*, and ſoon after a ſecond under the Conduct of *Heningus* and *Anlaf*, all *Daniſh* Princes; the former whereof in the year 1012. was with 45 Ships ſworn to ſerve *Ethelred*, he finding them Food and Rayment.

Swane proceeding victoriously, almoſt where-ever he came received the ſubmiſſion of the People, and *Emma* Queen to King *Ethelred*, with her two Sons *Edward* and *Alfred*, went into *Normandy* to her Brother *Richard* Duke thereof; and after *Chriſtmaſs* in the ſame year, *Ethelred* followed them thither, from the Iſle of *Wight*, all the People eſteeming and receiving *Swane* for their King, whom he commanded through *England* to make great Proviſions for his Navy, and to pay almoſt an intolerable P^r Tribute: In like manner *Turkill* ſent out his commands every where, the like ſhould be paid to his Fleet that lay at *Greenwich*; *Swane* thus obtaining the Throne of *Eng-land*, in the beginning of his Reign, died ſuddenly.

After his Death the *Daniſh* Army and *Danes* make *Cnut* his Son their king, and the *Engliſh* upon condition of his better Govern-ment, ſend to *Ethelred* to return out of *Normandy*, who ſending for his Son *Edward*, with promiſe of doing all things worthy of himſelf as King, and the *Engliſh* People, came himſelf ſoon after, and was joyfully received of the whole *Engliſh* Nation.

Cnut lay then at *Gainsborough*, to whom the People of *Northum-berland* and *Lincolnſhire* ſubmitted, into the latter of which *Ethelred* hearing of their ſubmiſſion marched, and deſtroyed it with Fire and Sword.

Cnut troubled that for his ſake the Country ſhould ſuffer, failed to *Sandwich*, where he left the Hoſtages given to his Father, firſt cutting off their Hands and Noſes and ſo departs, yet in a ſhort a time as might be, returns again with 160 Ships, to whom the Tray-tor *Edric* joyns himſelf with forty Ships more; againſt whom *Ethelred* raiſes a vaſt Army, but being told it would betray him, diſmiſſed it, and retired to *London*.

His Son *Edmund* called *Ironsides*, with *Ulfred* Duke of *Northum-berland*, waſting ſome Countries, whiſt *Cnut* deſtroyed others, *Ulfred* compelled by neceſſity, ſubmitted and gave Hoſtages, not-withſtanding which he was ſlain, and *Hoic* made Earl of *Northumberland*; *Edmund* returned to *London* to his Father, and *Cnut* was coming toward it with his Fleet, but before he arrived *Ethelred* died:

(p) This was very heavy without doubt, for in one year, which muſt be this, the Abbey of *Croyland* alone paid 2000 Marks to *Swane*, beſides ſeveral years before it paid to *Ethelred* 400 Marks a year, and 2001. for building of Ships. *Inguilph* ſays this was A. D. 1018. when as others ſay *Swane* died A. D. 1014. therefore it was *Cnut*, or the other Hiſtorians were miſtaken in their Chronology.

Ethelred.
Swane's *Danes*
Cnut's *Danes*
A. D. 1013.

Two Fleets of
Danes arrive
under the Con-
duct of *Turkill*,
Anlaf, and *Hem-
ingus*,
Turkill with
45 Ships, takes
Service under
Ethelred.

The People
ſubmits to *Swane*
Emma with
her Children de-
parts into *Nor-
mandy*.
Ethelred fol-
lows them.
Hen. Hunt.
A. D. 1013.

Swane impos-
es a great Tri-
bute upon the
People.
Hoveden,
Anno eodem.
I think doth
the ſame.
Huntingd.
A. D. 1014.
Swane dies
ſuddenly.

Ibidem.
Cnut made
King by the
Danes.
The *Engliſh* re-
call *Ethelred*.

Cnut departs,
and returns
with 160 Ships.
lb. A. D. 1016.
Edric betrays
Ethelred.

Ibidem.
Ethelred dies.

Inguilph. Hiſt.
ſoc. b. 507. a.
The Abbey of
Croyland paid
2000 Marks in
one year to
Swane.

In

Cnute,
Edmund Iron-
side.
A. D. 1016.

A Council at
Enham.
A. D. 1009.
Spelm. con.
fol. 511, &c.
Ibid. c. 1. c. 6.
c. 19.
Canons against
Priests Mar-
riage.

Against the sale
of men, &c.
c. 21.
c. 23.

Hoveden.

A. D. 1016.
fol. 219. 2.
Flor. Wigorn.
A. D. 1017.
The Bishops,
Abbats, and
many of the No-
bility elect
Cnute their King,
and abjure the
Saxon Race.
The Citizens
and Nobility at
London set up
Edmund Iron-
side.

Cnute be-
sieged London.

He quits the
Siege.
Afludown Bat-
tel.

r.
Hibern. expug-
c. 18.

It was a com-
mon Custom of
the English, to
sell their Chil-
dren.

Malm. de gest.
R. B. lib. 1. c. 3.

Ibid. 1. c. 11.
fol. 47. a.

Cnute build
Churches and
Monasteries in
many places to
expiate the
Blood spilt
there.

Ibid. 1. c. 10.

In the year 1009. and about the Thirtieth of this King, *Spelman* thinks he called a Council of all his great and wife men at *Enham*, at the instance of *Ailsege* Archbishop of *Canterbury*, and *Wulfstan* Archbishop of *Tork*, wherein many Ecclesiastick and Secular Laws were either made or confirmed, among which these three were not very usual, That Priests should not Marry, it being the Custom then for them to have two or three Wives. That none should be sold out of their Country, especially to a Pagan. That Widdows should remain so for twelve months after their Husbands death. Other Laws were made for preservation of the Peace, correction of false Money, and bringing Weights and Measures to a just Rule.

Here were also ordained Naval Laws. That a Fleet should be ready and equipped every year, as soon as might be, after *Easter*, for the Defence of the Kingdom. If any man did injury to any Ship designed for this Expedition, he was to repair the Damage. But if any one destroyed a Ship, he was to pay the full value of it, and be punished as for Treason, or an affront done to the King. *Plenam Luto Injuriam, & lasam pretere majestatem. FORGYLDE HIT FULLICE and CTNING THONNE MUNDBRICE.*

Ethelred having finished his Life and miserable Reign, the Bishops, Abbats, and many of the Nobility assembling together, or as others being summoned by him, meet at *London*, elected *Cnute* their King, and going to *Southampton*, where he then was, renounced before him all the Race of *Ethelred*, and swore unto him Fidelity; and he also swore to them, that in matters both Secular and Religious, he would be their faithful Lord; but the Nobility which staid at *London*, together with the Citizens, chose *Edmund* called *Ironside*, the eldest Son of *Ethelred* then living by his first Wife; and he going with all speed to the *West-Saxons*, was received by them with great Demonstration of Joy.

In the mean time *Cnute* coming to *London* with his Fleet, caused a great Cut or Ditch to be made in the South part of *Thames*, and laid up his Ships West of the Bridge, compassed the City with a wide and deep Ditch, closely besieged it, so as none could pass out or in, and often assailed it, but was as stoutly repulsed by the Defendents; wherefore for that time quitting the Siege, and leaving part of his Forces to defend his Ships, with the other he swiftly passed into *West-Saxony*, before *Edmond* had raised an Army, who yet with such Forces as he had ready, boldly sets upon them, and (by Gods help) puts them to flight. Not long after being recruited and receiving more strength, he fought the *Danes* the second or third time, some report at *Afludown* or *Assingdon*, others at other places.

(q) *Gualdo Cambresis* reports it was the Custom and common Vice of the English, in time of Peace, to sell their Children and Kined into *Ireland* for Slaves, although not urged to it by Want or Necessity; and the *Northumbrians*, not under pretence of Necessity, but for meer Profit, were wont to sell Children. (r) A Town in *Essex* in *Rocheford* Hundred near *Ralegh*, where *Cnute* built a Church to expiate the blood spilt there, as he did in all other places where he fought, building of Churches and Monasteries being then a common way of satisfaction for great Persons, for Blood, Murther, and all manner of wickedness.

But

But in the last Battel, where-ever it was, (by the Treachery of *Edric*, who revolted to the *Danes*, with what Forces he could, when he saw the Victory inclining to the English) *Edmund* was totally defeated, and the flower of the English Nobility cut off; here perished noble Duke *Eadnod*, Duke *Alfric*, Duke *Godwin*, and the brave *Ulfketel* Duke of the *East-Angles*, and many more gallant English; after this great Victory *Cnute* took *London*, and the Royal Scepter.

Edmund, with the Remains of his Army, marched toward *Gloster*, where collecting what Force he could, he prepared for a new Engagement; but the Nobility on both sides terrified with the dreadful slaughter in the last Battel, and fearing the Courage as well of *Edmund* as *Cnute*, persuaded them, for avoiding the great Effusion of Blood, to decide the Controversie by single Combat, which they undertook, and behaving themselves bravely on both sides, in the midst of blows paused a little, and then coming to a Parley, they agreed to part the Kingdom between them. *Edmund* for his share had *East-Saxony*, *East-England*, the City of *London*, and all the Land on the South side of the River *Thames*; and *Cnute* had all the North parts of *England*.

Not long after *Edmund* died at *London*, and was buried at *Glastonbury*, when *Cnute* commanded all the Bishops, Dukes, Princes and Chief men of *England* to meet at *London*, and when they were come together, he craftily asked such as were Witnesses to the Agreement, and Division of the Kingdom between them, as if he knew nothing of the matter, what he and *Eadmund* discoursed of his Brothers and Sons; Whether it should be lawful for his Sons to Reign in the Kingdom of the *West-Saxons* after him, if *Eadmund* should dye while he was living.

They said they certainly knew, that King *Edmund* neither living or dying, had given the Protection of any part of his Kingdom to his Brothers; and they said also they knew that *Edmund* desired *Cnute* should be the Protector of his Children, while they were of Age to Reign.

But, says my Author, They gave false Testimony, and lied falsely, thinking to make *Cnute* more kind to them, and hoping for great Rewards, yet nevertheless some of them, not long after, were put to death by him.

Then he exacted of them Oaths of Fidelity, and they swore they would choose him King, humbly obey him, and pay Taxes to his Army, wholly rejecting the Brothers and Sons of *Edmund*.

By the contrivance of *Cnute* and *Edric*, *Edwin* the Brother of *Edmund* was murdered; and *Edric* gave him further advice to kill his two Sons *Edward* and *Edmund*, but thinking it would prove a great disgrace to him, if they were murdered in *England*, sent them to

(f) *Malmesbury* says *Cnute* refused a Duel, yet at the Instance of both Armies, he was willing the Nation should be divided.

Cnute.
Edmund Iron-
side.
A. D. 1016.
Edric's Treachery.
Huntingd.
A. D. 1016.
Fol. 208.
The flower of the English Nobility destroyed.
Ibidem.

Cnute and Ed-
mund part the
Kingdom.
Malm. Westm.
A. D. 1016.
f. 205. n. 40.

Flor. Wigor.
A. D. 1016.
Fol. 618.

Cnute surpris-
eth the Wit-
nesses to the A-
greement be-
tween him and
Edmund.

Ibidem.

Ibidem.
They give false
Testimony.

Ibidem.

Ibidem.
A. D. 1017.
fol. 619.
Edric advises
Cnute to mur-
der Edmund's
Sons.

the

Cnute,
Edmund Iron-
side.
A. D. 1017.
Ætheling.

the King of *Sweves*, that he might dispatch them, who though his Friend would not do what he desired, but sent them to *Solomon* King of *Hungary* to be preserved; where *Edmund* died, and *Edward* married *Agatha* Daughter to *Henry* the *Roman* Emperor, by whom he had *Edgar*, *Æthelinge*, and *Margaret* Queen of *Scotland*.

Cnute,
A. D. 1017.
Flor. Wigorn.
Divides En-
gland into four
parts.

Ætheling.
Ibidem.
To induce him-
self to the Peo-
ple, censures the
Murderers of
Edmund to be
put to death.

Malmsb. f. 41.
a. n. 10.
And cuts off
Æthric.
Ibid. & Flor.
Wigorn.
A. D. 1017.
Flor. Wigorn.
A. D. 1017.

Cnute having thus obtained the Kingdom of *England*, divided it into four parts or Governments, *West-Saxony* he kept to himself, *Mercia* he committed to *Edric*, to *Turkill* the *East-Angles*, to *Ircin* *Northumberland*. His first care was to make a firm friendship between the *Danes* and *English*, and a right understanding between himself, Nobility and all the People, whose love his own quiet and security prompted him to seek, and as a means, to that end he caused to be brought forth the Murderers of *Edmund* in a great frequency of People, who openly confessing the Fact, were put to death; and not long after finding an opportunity, *Æthric* whom he inwardly hated for his perfidiousness, received from him the deserved punishment of his Treasons, growing now troublesome to Cnute, whom he often minded of the Wickednesses and Treasons he had committed in favour of him. With him Duke *Norman*, the Son of Duke *Leofwin*, the Brother of Earl *Leofric*, and *Æthelward* the Son of Duke *Agelmar*, and *Brightric* the Son of *Alpheg* Earl of *Devonshire*, were without fail put to death. *Leofric* he made a Duke, and was afterward very kind to him.

Malmsb. ut
sup. n. 30.
He marries
Emme Widow
of Æthelred.

The more to ingratiate himself into the *English*, he married *Emme* Widow to *Æthelred*, and Sister to *Richard* Duke of *Normandy*, whose Alliance was the more considerable, in respect he had in his Protection the two Sons of *Æthelred* by this *Emme*.

Malms. ut sup.
To expiate the
Blood, Mur-
thers, &c. he
builds and re-
pairs many Mo-
nasteries.

To expiate the Blood, Murthers, Rapine, and Violence of himself, Father and Ancestors, he repaired all the Monasteries which had been defaced and destroyed in *England*, and built some new ones, as that at *St. Edmund's-Bury*, &c.

Malms. ut sup.
A. D. 1012.
Howden.
By Bribes he
obtains the
Kingdom of
Norway.
Ibidem.
A. D. 1018.
A. D. 1031.
Vid. Epist. in
con. Spelm.
fol. 535.
Ingulph. Hist.
vol. 6.
Malms. f. 41. b.
n. 10.

Cnute hearing the *Norwegies*, neglected and slighted their King *Olave* for his Meekness, Justice, and Simplicity, sent to some of the chief Persons of the Land great Bribes in Gold and Silver, soliciting them to reject *Olave*, and make him King; they accept his Propositions, and Cnute coming thither from *England* with fifty Ships, they kill *Olave*, and declare him their King. In the fifteenth year of his Reign, he made a Voyage to *Rome*, (as he declares in his Letter from thence to his great men by *Livingus*) that by his respects paid there to the Apostles *Peter* and *Paul*, he might receive Pardon for his Sins; at his being there he complained to the Pope of the great Exactions practised upon the Archbishops for their Palls, and was promised redress; in the same Letter or Epistle he promiseth amendment of Life, and commands his Counsellors, with whom he trusted the Affairs of the Nation, that no way, for the fear of him, or any other potent Person whatever, they should consent to any Injustice, or

His great Ju-
stice in some
things.

(*) He is sometime called *Ircin*, *Hire* or *Eric* (u) He always urged him to fight, when Cnute had the advantage, but when he was probable to conquer, he dissuaded Battle.

suffer

suffer any to be done in his Kingdom; the like command he lays upon his Sheriffs and Justitiaries; that no Violence be done either to Rich or Poor, but that all men should have equal Justice, and that they should not grievously exact upon the People to fill his Coffers; he further strictly enjoyns them, that before his return from *Danemarke*, (whither he was going to settle all things in firm Peace) they should pay all his Debts due according to the old Law, as * Church-seed, Tithes, *Peter-pence*, &c. he strictly enjoyned the Observation of all old Laws, especially those of *Æthelred*, which were afterward called the Laws of *Edward* the Confessor, not that he made them, but only caused them to be observed; this large Collection is extant in *Lambard*, and besides the Ecclesiastick Laws, of which there are many, contains nothing but the antiquated Usages and Injunctions of those times, except what was said concerning them in the notices. The Ecclesiastick Laws concerning Religious Persons and things, which seem to have been observed a long while after, and some of them at this day, are these following.

1. That there should be no Markets, Fairs, Assemblies, or other Secular Actions practised on the Lord's-day.

2. That all Christians should receive the Eucharist, or Sacrament of the Lord's-Supper at least three times in the year.

3. That if a Priest killed a man, or committed any notorious Crime, he should be deprived of his Order and Dignity.

4. That a married Woman convicted of Adultery, should have her Nose and Ears cut off.

5. That a Widow marrying within twelve months after her Husbands Death, should lose her joynture and Dowry.

Cnute not long before he died, appointed his eldest Son *Swane*, by his first Wife *Y Elgiva*, to be King of *Norway*, and his second Son *Harold*, by the same Woman to be King of *England*, and *Harde* Cnute his Son by *Emme*, King of *Danemarke*. This year he died in *November* at *Shaftsbury*, and was buried at *Winchester*.

Harold according to some being chosen King by the *Danes* and *Londoners*, whilst Earl *Godwin* and the *English* would have had for their King one of the Sons of *Æthelred*, or *Harde* Cnute the Son of Cnute, but their attempt was in vain, not being equal either in number or force to the Abettors of *Harold*, and therefore he enjoyed the Crown, which was given to him by his Father, as it is said in *Hoveden* before-cited; however he came to be so, King he was, and innocent *Ælfred*, a younger Son of *Emme* by *Æthelred* coming out of

(*) church-seed or Cysseet or Chryseet. Church-seed, or by some Church-Seed, being a Sum paid for the first Fruits, or Garden-Seed, to be paid at *Martins-day*, or the Feast of *St. Martin* in *November*. (y) By most Writers reported to have been a Concubine, the was Daughter to a *Mercian* Noble-man, who is said to have been Earl of *Northampton*. (z) Others say he was elected King, and some that he was King only of the North parts of *England*, and *Harde* Cnute of the South parts.

Cnute alone.
A. D. 1031.

X.
Malms. l. 2. c. 11
fol. 42. a.
He enjoyns the
Observation of
the old Laws.
Ll. Canut.
Lamb. fol. 97.

Many Laws
purely Ecclesi-
astick made by
Cnute and his
great Council.

Ll. Cnut. c. 15.
No Markets,
Fairs, &c. on
the Lord's-day.
Ibid. c. 19.
The Sacrament
to be received
thrice in a year.

Ibid. c. 50.

Ibid. c. 71.

Hoveden 251. a.
A. D. 1035.
Cnute dies and
disposes his
Kingdoms to
his Sons.

Y.
Z.
Harold.
Hunt. 209. a.

Malms. l. 1. c. 12
A. D. 1036.

Ælfred and ma-
ny Northmans
slain.

Church-seed
what.
Cryseet.
Ingulph.
Hist. 509. a.

Normandy

Harold, Majd. Cnute. Dancs. A. D. 1036.

Hoved. 151. Emme flies to Baldwin Earl of Flanders.

Malmsh. ibid. Hunting. ibid. Hoved. 151. b. Harold dies. Ibid. & Flor. Wigorn. A. D. 1040.

Harde. Cnute. hab. English. and Dancs make him their King.

He laid a grievous Tax upon the Nation. Ibidem. At which Worcesterhire People tumult.

Their City and Country burnt and plundered. Ib. A. D. 1041. He dies suddenly.

Edward the Confessor. A. D. 1043. His Defcent.

[1.] Malmsh. de Gest. R. R. 1. c. 13. fol. 45. n. 10. He applies himself to Earl Godwin.

He is declared King. [2.] Hoved. den 52. a.

Normandy to visit his Mother then being at Winchester, (as 'tis storied) was by Earl Godwin and others by order of Harold, together with many Normans that came to accompany him, slain; his Mother Emme not thinking her self safe here, much grieved for the death of her Son cruelly murdered, went to Baldwin Earl of Flanders, who received her honourably, and assigned Brugis for the place of her abode, where she remained three years, whither her Son Harde-Cnute came out of Danemarke to visit her, in the mean while having done nothing memorable, Harold dies at Oxford, some say London, and was buried at Westminster. Florence of Worcester says they divided the Kingdom of England by Lot, and that the North part fell to Harold, and the South to Harde-Cnute, who was rejected because he came not out of Danemarke, when sent for, so soon as was expected, and therefore Harold was elected King over all England, A. D. 1035, 1037. fol. 622.

After his death all the Nobility both Dancs and English sent to Brugis to Harde-Cnute, to come and be their King, (the Children of Ethelred being neglected, and post-poned for the easiness and ill fortune of their Father) he arrives with sixty Ships manned with Dancs, and was of all People received with great applause, but during his short Reign, did nothing worthy a King, save that he treated his half Brother Edward, and his Mother Emme, who came to him out of Normandy, very kindly and honourably; he laid a grievous Tax upon the Nation, for the payment of eight Marks to every Rower, and twelve Marks to every Officer in his Fleet, this caused the People to tumult, and at Worcester the Country People and Citizens killed two of his Domestick Servants which he sent to gather his Tax, but he chastised them severely for that Fact, for he sent thither Leofric Earl of Mercia, Godwin Earl of West-Saxony, Siward Earl of Northumberland, &c. who plundered and burnt the City, and wasted all the Country, when he had reigned about two years; he died suddenly while he was drinking at a Nuptial Feast at Lambeth, where Osgod a great Danish Lord had married his Daughter to Prudan another Potent Dane.

Edward commonly called the Confessor, the eldest Son of Ethelred by Emme, and half Brother to Edmund Ironside, Son also of Ethelred by a former Wife being in England, at the death of his half Brother Harde-Cnute, was in a great straight, not knowing what to do, and thinking to retire into Normandy, [1.] applied himself to Earl Godwin, who gave him other advice, minds him whose Son he was, and what great probability there was of his being King; and withall promiseth his assistance upon Conditions to be agreed on between them. Edward urged by necessity, promiseth to make good all he asked. Then a Council being called at London, Godwin being very eloquent and powerful in perswading, so prevailed in this Assembly, that by the consent of almost all present, he was made King, and [2.] crowned at Winchester, anointed by Edsi Archbishop of Canterbury, and Alfric Archbishop of York, in the presence of almost all the Bishops of England.

And

And not long after, by advice of the Earls Leofric, Godwin, and Siward, he seized and took from his Mother Emme, all her Gold, Silver, Jewels and Treasure. The reason assigned is, that she was very hard and sparing towards him in the time of his Exile; he married the Daughter of Earl Godwin, by name Edith or Edgith, as he had promised. She was no ways like her Father or Brothers, but was very beautiful, learned, humble, and modest. [3.] Leofric reports he saw her often when he went to Court to see his Father who lived there, and coming from School, was often met by her, and opposed solidly and sinartly, not only in Grammar, but in Logick.

The same Historian there saith, that though Edward was born in England, yet having had his Education in Normandy, he was almost become a French man; and calling many from thence both Laics and Religious, preferred them to great Offices and Dignities: The chief amongst them were Robert a Monk, whom he made first Bishop of London, and then Archbishop of Canterbury; and William his Chaplain, whom he made Bishop of Dorchester, with other Military men, which he placed upon the Borders to defend them against the Welch.

Then the English under this King, and the Normans which he brought in, began to lay aside the English Rites and Customs, and in many things to imitate the French; the chief and great men to speak French in their Courts and Houses, as a great piece of State and Breeding, to make their Charters, Deeds, and Writings, after the French manner, ashamed of their own Usages and Customs, in these many other things. [4.] About the eighth year of his Reign, there being a great Scarcity and Famine, he then remitted for ever the Tax called Dane-geld, it having been continued eight and thirty years, from the first time that it was paid by Ethelred to King Swane. The English began [5.] to murmur at the Preferments of the Normans, and took it ill, that Strangers should enjoy such places of Trust and Dignity; on the contrary, the Normans stomached the English defended themselves, and [6.] calumniated them, especially Godwin and his Sons; That they were insolent toward the King and his Friends, and usurped an equal share in the Government; that they trifled with, and abused the King's honest Intentions and Simplicity, and made Jest on him.

(b) This mighty Earl was a Cow-herds Son, advanced by Cnute, whose Sister he had married, being dead, he married a second Wife, says Malmsh. but of what Stock not known, by her he had six Sons, [8.] Swane, Harold, Wulst, Tofti, Girib, Leofwin, he himself was Earl of Kent, the South and West-Saxons, Suffex, Hampshire, Dorsetshire, Devonshire, and Cornwall; Swane was Earl of Oxfordshire, Berkshire, Gloucestershire, Herefordshire, and Somersetshire. Harold was Earl of Essex, Suffolk, Norfolk, Cambridge, and Huntingdonsires, Wulst and Hacun Son of Swane, were Hollages, with William Earl of Normandy, for Godwin's good behaviour towards King Edward; after Siward's death Tofti was made Earl of Northumberland, and Girib and Leofwin possessed other parts.

Edward the Confessor of the Saxon Race A. D. 1043.

Flor. Worcell He takes away Jewels and Treasures from his Mother Emme.

He Marries Earl Godwin's Daughter Edgith.

Malmsh. ut sup. Her Beauty, Learning, and Modesty.

[3.] Hilior.

Croy. 109. a. n. 30. 43. 50.

Edward much added to the French Modes and Customs.

Ibidem.

Ibid. b. n. 10. And according to his Example, they speak French, and imitate their Dress, and are ashamed of their own.

[4.] Ibidem.

A. D. 1041.

fol. 45. n. 10. He remits the Tax called Dane-geld.

[5.] Ibidem.

ut sup. n. 40. 50.

The English murmur at the Preferment of the Normans.

[6.] Ibidem.

They calumniate the English, especially Godwin and his Sons.

E. 46. a. n. 40. 50.

[8.] Sim. Dun.

A. D. 1041.

Fl. c. of Wor.

cell. the same year, fol. 167.

Edward the
Confessor.
A. D. 1051.

[7.] H. b. n. o.
Eustace Earl
of Bulloigne,
comes to visit
King Edward.
Upon his re-
turn, one of his
Herbingers
quarrels with a
Townsmen of
Dover or Can-
terbury, and is
slain.
Eustace and his
Followers kill
21 of his
Townsmen.

C.
Complaints on
both sides come
to the King.
Godwin is
commanded to
punish the Peo-
ple of Canter-
bury or Dover.
He refuses; un-
less both parties
were heard.

He is sum-
moned to answer his
refusal before
the Peers.

[9.] Malm. de
Gest. R. R. fol.
45. b. n. 40.
Godwin comes
with an Army.

Leofric and Si-
ward at the
King's request
oppose him.
[1.] Sim. Dun-
elm.
A. D. 1051.

Servitum mi-
litum. Quos
per Angliam
habebant Regi
contraire.
Malm. f. 56. a.
Lin. 1.
Godwin and
his Sons banish-
ed.

These Factions and Animosities at Court were notably heightened by the following Accident. [7.] *Eustace* the Elder, Earl of *Bulloigne*, who had married *Goda* Sister by the Fathers side to King *Edward*, came into *England* to visit him, and returning homeward, at *Canterbury* as some report, at *Dover* as others, one of his Herbingers unadvisedly quarrelled with a Townsman or Citizen about Lodgings he was to take up for his Master and Retinue, was by him slain; the Earl, to revenge his Servant's death, and his Followers, kill several of the Townsman, they flocking together for their own defence, assault *Eustace* and his People, and slay one and twenty of them; he immediately posts to Court, and makes his complaint to the King, of the Injuries received, who being incensed, and the Master aggravated by the *Norman* Courtiers, *Godwin* was sent for, and commanded to march into *Kent* with an Army, and punish the People of *Canterbury* or *Dover*; (who had likewise made their Complaints, and represented their Case to him as their Earl) he, troubled to see Strangers more favoured by the King than Natives, advised him first to summon the Chief men of the Town into his Court, and charge them with Sedition, where both Parties might be heard, that if found in fault, they might by Fine or loss of Life, satisfy the King, whose Peace they had broken, and the Count whom they had injured; or if otherwise, they might be acquitted; until this was done he refused to punish by Hostile Force, and unheard, those of his own Country, which by his Office he was rather bound to defend. The King not pleased with his refusal, ordered an Assembly of the Peers at *Gloucester*, where the matter might be fully debated; thither came the two great and famous Earls *Leofric* of the *Mercians*, and *Sinward* of the *Northumbrians*, and all the Nobility of *England*, except [9.] *Godwin*, who suspected his own Cause, or the Violence of his Adversaries, with his two Sons *Swane* and *Harold*, came with a great Army, raised in his own and their Earldoms, (under pretence of subduing the *Welch*) the King knowing of his arming, desired the assistance of *Leofric* and *Sinward*, who raising the force of their Countries, checked *Godwin's* design, who not knowing of this force, boldly demanded [1.] *Eustace* and his Followers; the King delayed him with fair answers, until the *Mercians* and Northern men advanced, who were eager of fighting. But *Leofric* and the more wise men interposed between the King and *Godwin*, that Hostages given on both sides, the cause should be again debated at *London*, whither the King and Lords coming with their Army, send for *Godwin* and his Sons, who with their Forces were come to *Southwark*, commanding their appearance with twelve Attendants only; they refuse to appear before their Adversaries without Hostages, yet deny not to disband their Souldiers, or consign or make over their Service to the King, or in any thing else to obey the King, that might be agreeable to their Honour and Safety, this answer not satisfying the King, *Godwin* and his Sons by Edict within five days, was to depart the Land, who perceiving his numbers falling off,

(c) *Florence* of *Worcester* reports, That *Godwin* being much moved, and very angry that such things were done in his County or Government, he and his Sons in their several Counties raised a mighty Army, of which the King taking notice, and being affrighted, sent to *Leofric* and *Sinward* to come to him, being in great danger, with what Forces they could raise, &c. A. D. 1051. fol. 627.

readily

readily obeyed, and with his Wife *Gytha*, and three Sons, *Swane*, *Toft* and *Girib*, passed over into *Flanders* to Earl *Baldwin*, whose Daughter *Judith* [2.] *Toft* had married; his Sons *Harold* and *Leofwin* taking Ship at *Bristol*, passed over into *Ireland*: *Edward* pursuing his anger against *Godwin*, put away his Wife, *Edith* his Daughter, and with one Maid only, sent her to the Nunnery of *Warewell*, to be kept there by the Abbess.

[3.] About this time *William* Duke of *Normandy*, with a great train of Followers, coming into *England*, was honourably entertained by *Edward*, and had many of the Cities and Castles shewn unto him, although at that time there was no discourse of Succession between them, after some time spent here, being richly presented, he returned home.

Emme the Mother of *Edward* died, and was buried at *Winchester*, who for all her great Vertues escaped not the Malice of her Enemies, although she either fortunately or miraculously (if the Story be true) escaped burning by Fire-Ordale. Her chief Enemy was *Robert* Archbishop of *Canterbury*, the Crimes objected, were her consenting to the death of her Son *Alfred*, that she had a greater affection for her Danish, than English Children; and Incontinency with *Alwine* Bishop of *Winchester*, but having blindfolded and barefooted, passed and stepped over and between nine Plough-shares red hot, without hurt or burning, not touching any of them, in the presence of her Son, and many of his Peers, by her thankful and humble demeanor toward God and the World, she recovered the good opinion of King and People.

[4.] During their Exile, *Godwin* and his Sons, much infested the Coasts of *England* in the West and South; at last *Harold* joyning with his Father, came up the *Thames* toward *London* with their Fleet, where a Land Army of *Londoners* and Country-men out of their several Earldoms, met them at *Southwark*, which by their several Earldoms, met them at *Southwark*, which by their Agents and Emisaries, under many fair Pretences and Suggestions, they had drawn together; the King being then in *London*, marched and advanced his Army and Fleet against *Godwin's*; the Fleets being placed on the contrary sides of the River, and the Armies on the contrary Banks, the chief men on both Parties being English, had no great Stomachs to fight one against the other, but rather thought it more Prudence to mediate between the King and *Godwin*, which they did, and brought them to an accommodation. But the King suspecting *Godwin's* Subtlety and Instability, would not consent to Peace, before *Wulnoth* the Son of *Godwin*, and *Hacunn* the Son of *Swane*, were delivered Hostages for his good behaviour to *William* Duke of *Normandy*, and then he and his Sons were restored to all their former Rights and Enjoyments, except *Swane*, who troubled in Conscience for the Murder of his Kinman *Beorn*, went to *Jerusalem* Bare-foot, and in his return died. *Edward* also received his Queen *Edith*, *Godwin's* Daughter, in the same Dignity she was before.

This

Edward the
Confessor.
A. D. 1051.

They depart in-
to Ireland.
[2.] Bromp.
col. 943.
Edward sends
his Queen into
a Nunnery.

[3.] Ingulph.
Hist. c. 10. b.
William Duke
of Normandy
comes into En-
gland.
An. Dom.

A. D. 1051.
Emme King
Edward's Mo-
ther dies:
She undergoes
Fire-Ordale.
See the Glossa-
ry in the word.
The Crimes ob-
jected to her.
Godwin in the
Life of Robert
Archbishop, con-
futes this Story,
and argues it of
falseness, p. 80.
and makes it ap-
pear idle.

[4.] Sim. Dun-
elm.
A. D. 1051.
Godwin and
his Sons infest
the Coasts, and
come up the
Thames.
And draw to-
gether a Land-
Army.
The King march-
ed towards
them with his
Army.

The Differen-
ces composed
without Battle.
Eadmen. fol. 4.

Godwin and
his Sons resto-
red.

Ed. a. 1066
Confessor.
A. D. 1066.
The Norman
baptist A.
[5.] John
Crampson.
A. D. 1067.
[6.] Be. nupt
col. 943.
A. D. 1063.
E. W. Con. 11.
[7.] Sim. Du-
nelm.
A. D. 1063.
Godwin d. 1.
Eadmer. fol. 4.
Fol. 110.
h. n. 30. 40

Macbeth van-
quished by Si-
ward Earl of
Northumb. r.
[9.] Sim. Du-
nelm.
A. D. 1054.
[1.] Ingulph.
ut sup.
A. D. 1056.
Earl Algar ban-
ished, recovers
his Earldom by
assistance of
Griff. King of
Wales.
[1.] Sim. Du-
nelm.
A. D. 1057.
Edward first
Son of Edmund
Ironfides sent
for into Hun-
gary.
A. D. 1058.
Ingulph.
Hist. 511. a.
Algar is banish-
ed, and again re-
covers his Ear-
dom.
[3.] Sim. Du-
nelm.
A. D. 1063.
1064. Ingulph.
A. D. 1063.
Griffin King
of Wales over-
come by Harold.
[4.] Ingulph.
A. D. 1065.
Fol. 511.
h. p. 30.
[5.] Sim. Du-
nelm.
A. D. 1069.
The Northum-
brians Tumult
against Tofti.
Harold sent to
appease them.

This done, the Normans who had given the King ill Council, and under his Authority done many unjust things. [5.] Robert Archbishop of Canterbury, William Bishop of London, &c. of Dorchester, &c. were banished the Realm. 6. Robert Archbishop died beyond Sea, but William for his excellent goodness, a little while after, was recalled from banishment, and restored to his Bishoprick. Soon after Earl [7.] Godwin sitting with the King at Table, taken Speechless, sunk down suddenly in his seat as dead, his three Sons Harold, Tosti and Gith carrying him into the King's Chamber, in hopes he might revive, but the fifth day after he died. By Ingulph and others 'tis storied, that Edward (as he sat at Table) reproving him for the death of his Brother Alfred, he took a Morsel, and wished it might choke him if he were guilty, with which, endeavouring to swallow it, he was choked. And his [8.] Earldom of Kent and West-Saxony, was given to his Son Harold, and his to Algar Son of Leofric.

Siward the stout Earl of Northumberland, by the King's order, made an Expedition into Scotland, vanquished the Tyrant [9.] Macbeth, and made Malcolm, Son to the King of Cumberland, King of Scotland; within two years after this great action, Siward dies, and Tosti Brother to Harold was made Earl of [1.] Northumberland.

About this time Earl Algar was banished without a cause, but invading England, with the assistance of Griffin King of Wales, he was restored to the King's favour. [2.] King Edward now sent into Hungary for his Nephew Edward Son to Edmund Ironside, who as he was right Heir to the Crown, so he intended to make him his Successor, but he died not long after he came into England; in this year good old Leofric commonly stiled Earl of Leicester, but indeed Earl of Mercia died, a wife and prudent man, and Algar his Son succeeded him in his Earldom, whom Edward banished the second time, but again by the aid of Griffin, and a Fleet from Norway, by force recovered his Earldom, in the year following he dies and leaves Edwin and Morcar his Sons.

[3.] The Welch under the conduct of Griffin their King, invade and harass those parts of England next Wales, but vanquished and overcome by Harold, and his Brother Tosti, at the King's appointment, they submit and promise to pay Tribute, depose and kill their King. [4.] Edward gives Wales to Griffin's Brother's Blechgent and Rithwalan, who swore Fidelity to him by Harold his Representative, promising all ready Service by Sea and Land, and to pay whatever used to be paid to the Kings of England.

Tosti returning into Northumberland, (which was then accounted all that part of England beyond Humber Northwards) used the People severely, and [5.] imposed high and grievous Taxes upon them, committing many Out-rages, the People run to Arms, beset his Palace, kill his Souldiers and Servants, Plunder it, and force him to fly for his life, thus urged by danger and Tumult, Tosti Petitions the King to send his Brother Harold and others, to hear Matters in difference between him and the People, who endeavouring to reconcile them, the People would not be persuaded to admit Tosti for their Earl,

Earl, but by the help of Edwin Earl of Mercia expelled him, and then Morcar they chose for their Earl, at the King's command.

Edward now growing infirm with Age, having no Children, thought not Edgar Atheling Son of Edward, called the Out-law, Son of Edmund Ironside, the right Heir, either fit for the Crown and Government, or able to bear up against the Power and Violence of Godwin's Sons, and therefore declared William Duke of Normandy his Cousin-German by the Mother-side, his Successor; and of his intention to do so, he had given him private intimation before by Harold and others, who with all readiness promised to give him their assistance to obtain the Crown.

[6.] Gemeticensis says he first sent Robert Archbishop of Canterbury to give him notice of his intention, and afterward sent Harold to do him Fealty concerning the expectation of the Crown, and confirm Edward's Grant by Oath.

[7.] Gul. Pittavenfes says the same, and adds further, that his Brother and Brother's Son remained Hostages for the Security of this Succession, and that this was done by the consent of Edward's great men, or the English Nobility; on Christmas time this year he sickned and died, and was buried in the Abbey of Westminster, which he had founded, or at least reedified, and by Charter granted to it many Immunities and Priviledges, to which was annexed the first great Seal used in England. He was a quiet Prince, had a great kindness for the Clergy, and much governed by them, so nothing considerable passed in Church-affairs in his Reign.

Edward the Confessor being dead, Harold Son of Godwin, and then Earl of Kent and West-Saxony, who had formerly gone, or rather was sent by King Edward over into Normandy to Duke William, according to William of Poitiers, and there had sworn, after the death of Edward, to marry his Daughter, and preserve the Kingdom for him. Gemeticensis says, upon these Conditions he offered to give him his Marriage, his Daughter Alice, and half the Kingdom. The day after the Kings Funeral, contrary to his Oath and Faith given, invades the Throne, and was solemnly Crowned by e Alured Archbishop

Edward the Confessor.
A. D. 1066.

By the help of Edwin Earl of Mercia, they expelled him, and reject him.
And by the Kings command they chose Morcar for their Earl.
Ingulph. 511. b. n. 30.

Edward declares William Duke of Normandy his Successor.
[6.] De Ducib. Norman.
lib. 6. c. 31.

[6.] Gul. Pictav. fol. 181. D. & 191. A.

A. D. 1066.
allus 1065, and dies.
The broad Seal first used.
Lamb. peramb. Kent.

d.
A. D. 1065.
Ingulph. in that year.
fol. 511. b.
Gul. de fol. 191. A.
De Duc. Nor. lib. 6. c. 31.
He died on the Eve of Epiphany.
ib. fol. 512. A. c.

Fol. 4. 5.
See Notes in Edwards letter.
Seld. Note on Eadmer.
fol. 163. Eadmer fol. 5.
Gemeticensis de duc. Norman. l. 6. c. 31.

Mat. Paris, fol. 2. 8. c.
A. D. Annal. 1066.
Ibid. Eadmer fol. 5. n. 30.

(4) Eadmer reports, that after the death of his Father Earl Godwin, he asked leave of the King to pass into Normandy, and fetch home his Brother Walnoth and Nephew Haco, who were there Hostages, and that he was driven by Storm into the River Maia, in the Earldom of Fomblie in Picardy, bordering upon Normandy, where by Earl Guido he was made Prisoner. Harold sends to William Earl of Normandy, and gives him an account what had happened to him, who forthwith commands the Earl of Pontieu to send Harold unto him, if he would enjoy his accustomed Friendship, and being sent after a second threatening Message, he is honourably received of William, who in a short time propounded to him, that if King Edward should give him England, he would keep for him the Castle of Dover, with the Well of Water to assist him in obtaining the Kingdom, and promise to marry his Daughter, then he should have the liberty of his Brother and Nephew, and whatever else he could reasonably ask, when he had Possession of the Kingdom. Harold knew the danger in consenting to these things, yet knew not how to escape if he should refuse them, he therefore swore upon all the Reliques of the Saints produced by William, that he invaded the perform them. (e) 'Tis generally said by our common Historians, that he made the Pope Throne, and crowned himself without the assistance of a Bishop, which made the Pope and Clergy his enemies ever after; but Hoveden, as here Ingulph, says he was crowned by this Alfred, and Eadmer and Hoveden both say he was designed Successor by King Edward.

of

larold.
A. D. 1265.

Genl. Pičlav.
120. B.

f.

g.
Ib. Ingulphus

11.

i.

k.

Ibidem.

1.

112.

197, A. 198, A

Gul. Piclav.
197. A. B.

lugo vice-
com
blcm,

bidem.
Gemit. de duc.
Mor. 16. c. 22.
gulph. 510. b.

ibidem.
 Salms. in Gu-
 el. 1. fol. 16. b.

of York, and for the time he enjoyed it, (which was nine months only) behaved himself worthily with great Courage and Justice. *William* hearing what was done, sends Messengers to expostulate with *Harold*, and let him know that he had broken his Oath, and not performed his Agreement and Promises, and to require from him some just means of accommodation between them; but *Harold* claims the Crown upon a Grant from *Edward* upon his Death-bed, later than that of *William*, scarce vouchsafes his Ambassadors Audience, denies the Agreement, excuses his Promises, flights and neglects all just means of Compromise offered; and then when the Summer was almost spent by an ineffectual intercourse of Messengers and Messages, & *William* appeals and refers this Affair to the Pope, who examining his pretences, animates and sends him a Banner in token of Victory.

Harold in the mean time, little valuing the Pope's Judgment and Sentence, gathers an Army, secures the Ports, and more especially perfues his Brothers. ^h *Tofto* daily infesting the Coasts, who sailing Northward, and joyning with *Harold*, ⁱ *Harfager* King of *Norway*, with a Fleet of 200 Ships, came into the mouth of *Humber*, and up the River *Onfe* almost to *York*, where landing a numerous Army, they assault, take and sack the City, committing a mighty slaughter. ^k *Edwin* and *Morecar*, both Earls and Brethren, with what Forces they could suddenly bring together, advance toward them, but were soon repelled by them, they being more in number and better armed. At length *Harold* comes up with a Potent Army, and gives them Battel at ^l *Stanford* Bridge, where though the *Normegians* made a stout and obstinate resistance, yet at length the *Englisb* obtained the Victory; *Harfager* and *Tofto*, with the greatest part of their Army, being slain, and most of their Fleet taken, only *Olaus Harfager's* Son, and *Paul* Earl of *Orcades* had liberty to depart with twenty Ships, they leaving a vast ^m Treasure behind them.

William was not idle all this while, but calling together the great men of his Country, consults with them, and propounds the Conquest of *England* to the chief of them, who dissuade him from the attempt, as a thing too difficult to be effected, and beyond the Power and Force of *Normandy*; and which might change the excellent State of their Country into a miserable Condition. There were then in *Normandy*, besides Bishops and Abbots, several Lay-men, knowing and able to advise; such were *Robert* Earl of *Mortaign*, half Brother to *William*, *Robert* Earl of *On*, *Richard* Earl of *Eureux*, Son of *Robert* Archbishop of *Roan*, *Roger* *Beaumont*, *Roger* *Montgomery*, *William* *Fitz-Osborn*, and Viscount *Hugh*, these he consulted with, but so as the result of all things was left to the Duke himself, how many Ships to equip, and with what Men and Armes, and at length every

(f) Saying he could not dispose of a Kingdom that was not then his, nor do that, or with conveyance Mary without the advice of her Nobility. (g) Or as some say, he contented himself with the title of King of France, and so called himself King of France, notwithstanding he hated the Kingdom as his feudary. (h) By Indignation, and contumacy with William I. hating his Brother Harold, and they marrying two Sisters, the Daughters of the Earl of Flanders. (i) As it was rising up and down the Coasts of Scotland, and North part of England, King Edwin Earl of Mercia, sometimes called Earl of Chester, Mearc of Northumberland, sometimes called Earl of York, both Sons of Agar, eldest Son of Leofric Earl of Mercia, sometime Earl of Leicester. (j) Alias Battle Bridge upon the River Derwent not far from York. (m) There was so much Gold as seven lusty young men could carry, besides other rich Spoils, all which Harold taking to his own use, disgusted his Army.

one cheerfully makes ready what was charged upon him, according to his Possessions, and the value of his Estate, and having prepared a great number of Ships, and a great Army of *Normans, Flemmings, French, Poictovins, Aquitans, and Britans*, both Horse and Foot, after some stay for a wind at the mouth of the River *Dive*, he fell down to, and set sail from *St. n Waleric or Gualeric*, with a gentle Gale, and landed at *Pevensey* in *Sussex*, erected a Fort there, to secure his Ships and their retreat, ^o wherein he placed a Garrison, and marching from thence to *Hastings*, he raiseth another Fortification for the same Purposes, and Garrisons that likewise, and then declares the Causes of the War; first for revenging the death of his Kinsman, ^p *Alfred* whom *Godwin Harold's* Father and his Sons had cut off with many *Normans*: Secondly, to chastise *Harold* for banishing *Robert* Archbishop of *Canterbury*, and other *Normans* out of *England*; and Thirdly, to gain the Kingdom from *Harold* which he had possessed by Perjury, and to which he had no right, it being his by Grant, by nearness ^q of kindred, and promise of Obedience and Subjection, he restrained his Army from Plundering, telling them they ought to spare those things which were suddenly to be their own, and for fifteen days they behaved themselves so quietly, as if they thought not of War.

The News of this Defcent of the *Normans in Suffex*, quickly came to *Harold* by several Messengers, who puff'd up with his late Victory, dream'd of the like success for the future, and refusing the Terms offer'd him by *William's* Envoy, a Monk (either to quit his Pretences to the Kingdom, or hold it as his Vice-roy, or that they two by Combat for the sparing the Effusion of Blood in the fight of both Armies, might decide and end the Controverſie) in great haſt with a ſmall part only of his Army, he came near unto *Haſtings*, and having gathered together the Country-people, form'd of them a rude and undiſciplin'd Army, ſtaid not for his Northern Forces, but next morning gives ^r Earl *William* Battel, and fighting valiantly all day until evening, often as a common Souldier hand to hand with his Enemies, at length about twilight upon a Hill, whither he had retreated, he was ſhot thorough the head with an Arrow, and ſlain, together with his Brothers *Gurth* and *Lefwin*, and moſt of the *Engliſh* Nobility here preſent.

E Then *Edwin* and *Morcar*, with some few others that escaped, came to *London*, and sent their Sister *Algisht* the Queen, and Wife to *Harold*, into the remote parts of the Nation, and consulted with *Aldred* Archbishop of *Tork*, the Citizens and Seamen, to make *Edgar* *Atheling* King, but while they provided and prepared to oppose *William*, the two Earls with their Forces, withdrew themselves into their own Countries.

(n) Now *St. Valery* upon the River of *Soame* in *Picardy*. (o) 'Tis said by *Camden* he burnt all his Ships, that he might cut off from his Souldiers all hopes of Safety by flight; if so, certainly he designed no place of Safety for a retreat, or to secure his Ships. (p) Son to *Elizabeth*, and younger Brother of *Edw.* the Confeſſor to *Ennne*. (q) He could hardly be thought his Army should consist of raw Souldiers, for *Malmſbury* *Sin. Dunel.* and *Brompton* reports from *Griffin* *Pillaſſ* full of raw Souldiers, for the Main Body of it remained impregnable against all the Affairs and Charges of *viſſes*, that the Main Body of it remained impregnable against all the Affairs and Charges of the Enemies, until by a Counterfeit retreat, which the *Engliſh* thought a flight, and follow them, by which means they opened their cloſe Order, when the *Normans* suddenly facing about, charged and broke them in pieces, scattered them, and obtained the Victory. (f) *Malmſbury*. (r) On the fourteenth of *October*, not many days after the Battel at *Stamford-bridge*. (s) *Malmſbury* ſays they were not there, but being appointed by *Harold* the poſſing ſhips to meet the *Normans* who bring the Riches and Spoils taken in the laſt Battel to *London*, where hearing that *Harold* was flain, they courted the People to make one of them King, I alſo there ſays, that the other great men would have choſen *Edgar* King, if the Willoſs would have conſented, but by reaſon of the preſent danger, and their Domeliſh Diſſentions, it could not be effected.

Harold.
A. D. 1065.

Malms. de gest
Reg. fol. 55.
a. n. 50.
Ge ner. de duc.
Nor. 1. 6. c. 34.

n.
Gul. Pičlav.
Gesta Gul. Du-
cis Pol. 129. c.

O.
Brompt.
col. 958.
p.

e Malmsh. in
Will. 1. f. 56. b

e Ingulph.f.51

Malms, ut fu
Gul. Piſtav
fol. 200. C.

Ingulph. Ibi

s,	q.
y	r.

ne f.
ld, Sim. Dunc
A.D. 1066

Britan. fol. 106.
He had it out of the Manuscript
History of Battle Abbey in
Bib. cotton. sub
Effic. Domitian.
A. 2. fol. 1.
Malms. Will. 1.
fol. 57. Duncel.
Brompton.
A. D. 1066.
Gesta Guliel.
Ducis 102. D.
In Will. 1.
c. 6. b. 7. b.

T H E
P R E F A C E
T O T H E
Norman History.

As the Saxons that conquered *England* were a miscellaneous People, consisting of many *German Nations*, that went all by the name of *Saxons*. So also were the *North, Nort*, or **Normans* that first obtained that part of *France*, now called *Normandy*, a Collection of the several People that inhabited that great Tract called *Scandinavia* or *Scandia*, [1.] which was the most Northern part of old *Germany*, from whence their name, as Inhabitants of it. And it cannot want probability, but that some of the more Southern and Easterly People of *Germany*, their neighbours especially might also accompany them, though those marine Enterprises were first thought of, contrived, and undertaken by the *Normans*, under which name the Adventurers of other Nations were contained.

Vid. lib. 1.
Of the Saxon
Story.

*Berault, in
Cult. Norm.
form. fol. 2.

[1.] Engin-
hart. in vita
Car. M. Clu-
ver. Antiq.
Germ. l. i. c. 11

DThe *French Normans* likewise that conquered this Nation, were assisted in that undertaking by the *French, Flemmings, Britains, Poitouvins, Anjovins*, and other Nations of *France*, and some from *Germany* under great Commanders, though perhaps most Volunteers and Free-booters brought together by the mighty [2.] Fame of *William Duke of Normandy*, were all called *Normans*, and according to this diversity of Nations, divers Laws, Customs, and particular Usages have been found here, in *France, Normandy*, &c. though in general the old *German Laws and Customs*, (which were most of them feudal) did every where obtain, as appears by the several old *Charters of Emperors and Princes*, and Customaries of most of the *Provinces and Towns of France*, and other Countries.

[1.] Gul. Pict.
fol. 196. c.
fol. 197. b. c.

FIn the first part of the *Saxon History*, I have endeavoured to shew what were the Laws and Usages of this Nation, and from whence they were brought to us before the Conquest. It follows in order that I say something of the Laws and Legal Usages after the Conquest, before I enter upon the *Norman Story*. But as an exact and perfect Form of proceeding in Law Cases in the *English-Saxon times* before the Conquest, [3.] Mr. *Selden* saith is no where to be found, so neither for a short time after, doth the very exact way and manner of proceeding appear. The times and places of such Decisions, and before

Perfect Form
of Law prece-
ding, not known
what it was in
the Saxon times
[3.] In prælat.
ad Script. 10.
dat. 10. Maii
1652. fol. 47.

before what Persons made, are very evident, both before and after the *Norman* Government, but not the method of pleading in, and managing of those Controversies. Nor the Execution of the Sentence, especially in Cases Civil are so very clear.

The first Case we find after the Conquest, and before the Survey, or at least the completing of ^a *Domesday-book*, is the most famous Controversie between *Lanfranc* Archbishop of *Canterbury*, and *Odo* Bishop of *Bayeux* in *Normandy*, and Earl of *Kent*, half Brother to the Conqueror by the Mother; [4.] who by his great Power and Rapine amongst other Lands, had possessed himself of [5.] twenty five Mannors belonging to Endowment of the Church of *Canterbury*, and had also usurped many Priviledges and Customs appertaining to the same. *Lanfranc* complains to the Conqueror, and Sues for redress, who directs his [6.] Commission, Warrant, or Precept to himself, *Goisfrid* Bishop of *Constance* in *Normancy*, ^b *Robert* Earl of *On*, ^c *Richard* Son of Earl *Gilbert*, *Hugh* Montfort or *de Monte forti*, and others his great men of *England*, to summon his Sheriffs, and by his command to order them to restore to the Bishopricks and Abbies all their Lands, &c. which by lenity or fear the Bishops or Abbots had granted away, or which by Violence had been taken from them, and if willingly they did not restore them, that then they should constrain them to do it whither they would or not. [7.] By Vertue of which Commission or Precept, [8.] the chief men of the County of *Kent* and of other Counties of *England*, were assembled on *Pinnenden* & *Heath*, where the Pleas or Controversie between *Lanfranc* and *Odo* continued three days, and well it might, for there *Lanfranc* recovered [9.] twenty five Mannors, with their Customs and Appurtenances, together with all Liberties and Customs of the Church of *Canterbury*, which were in debate between the King and the Archbishop in this Plea. [1.] *Goisfrid* Bishop of *Constance* was Justiciary, and in the place of the King, or represented him, *Lanfranc* pleaded his own Case, and by the whole County it was Recorded and adjudged, that as the King held his Lands free and quiet in *Dominio suo*, in his demain and Possession, so did the Archbishop hold his.

(a) For there in the Manner of *Eschoches* or *Stokes*, under the Title of the Bishop of *Recheles* Lands in *Kent* it is thus said, *Dirationavit illud Lanfrancus contra Bajocensem Episcopum & inde est modo Saisita Rosensis Ecclesie.*

(b) For *Robert* Earl of *On*, and *Hugh* Montfort. See in *William* the First, Fol. 1.2.

(c) *Richard* Son of Earl *Gilbert*, [1.] had, as it was then reported by antient People, *Tunbridge* in *Kent* in lieu of *Briou* a strong Castle in *Normandy*, and a League or three Miles round, measured out with the same Rope brought into *England*, that the Precincts of *Briou* were, being likewise three Miles round it. He is sometimes called *Richard* of *Tunbridge*, and sometimes *Richard* of *Benefalla*, [2.] or *de Clara*. [3.] He was Son to *Gilbert* Earl of *Briou*, and *Ou* whose Father was *Godofrid*, natural Son of *Richard* the First, Duke of *Normandy*. This *Richard* married *Robair* Daughter of *Walter* Giffard, from whom issued the Earls of *Clare* and *Pembroke*.

(d) Now *Pigden Heath* near *Aylesford* in *Kent*; *Si fuerint pramoniti ut convenient ad* [4.] *Sciram ibunt usque ad Pinnednam non longius*. If the men of the three Monasteries of the Holy Trinity, St. *Augustine*, and St. *Martin*, that ought suit to the County County, were summoned to it, they were to go to *Pinnenden* and no further, which was the usual place where it was holden.

The

The same way of proceeding by virtue of the general Precept before-mentioned is to be found in the History of the Church of *Ely*; King *William* [2.] directs his Writ to all his Leiges or Tenents, and Sheriffs in whose Sherifwicks the Abbey of *Ely* had Lands, that it should have and enjoy all its Customs, &c. that it had the day that King *Edward* was living and dead, and as they were recovered and proved to belong to that Church by many Shires at *Kenetsford*, (a Town in *Suffolk* near *Newmarket*) before his Barons. Several Writs are in the [3.] Appendix, touching the Lands and Customs belonging to the Abbey of *Ely*; That such *Normans* as had seized, or invaded any of them, were to restore them.

In [4.] *Domesday Book* 'tis Recorded that the Bishop of *Worcester*, the famous *Wulfstan* by Plea, and by force of the same general Writ, in the presence of four Counties or Shires, before Queen *Maud*, recovered seven Hides and half of Land in *Alvestone*, and that thereof he had the Writ or Chart of King *William*, and Testimony of the County of *Warwick*. In *Alvestone*, tenuit Britnodus & Alwi septem hid. & dimid. T. R. E. Sed Comitatus nescit de quo tenuerit, Wulfstanus autem Episcopus dicit se hanc Terram de placitasse, coram Regina Matilde in presentia quatuor vice-comitatuum & inde habet Breves Regis W. & Testimonium Comitatus Warwick.

By these Instances it appears, That the Pleas for Church-Lands, were generally held before all or most of the Counties summoned together, in which the Lands lay, and that the *English* were called thither to give Testimony, whether they belonged to those Churches in the time of King *Edward*, for no others could be competent Witnesses, being all Strangers to the thing in question.

There are likewise many Instances to be found in *Domesday*, of this way of proceeding, and Trial of Titles in the County, Hundred, Wapentack, or Trihing; under the Title of *Clamores* in *Sid-treding* *Lincolia*.

In *Tadevill*, Hundred. clamant homines Episcopi Bajocensis Carnacum Terre super Robertum Dispensatorem & homines de Wapentack dicunt quod ipse Episcopus jure debet habere; and in the same Hundred, there under the same Title, clamant homines ejusdem Episcopi, super Hugonem Comitum tres Bovatas Terre, & Wapentack dicit quod ipse Episcopus debet habere. In the same Title there is also an Appeal from the Hundred to the County, in a Plea between *Gilbert* de *Gund*, and *Norman* de *Aveci*, both claiming upon *William* de *Percy* twelve *Bovates* of Land, which concludes thus: Sed Wapentack & comitatus dicunt quod Gilbertus debet habere non *Norman* *Willielmus*, vero *Percy* tenet ea dono Regis. Sicut tenuit Robertus Filius Stigandi. And in

(e) Treding or Rideing, not improbably from *Trihinga*, which was a portion of a County that contained three or four Hundreds, * to which portion of a County, there was an Appeal from the Hundred, and from that to the County.

(f) An Oxgangs or Oxgangs antiently, [1.] as much as one, or a pair of Oxen could Plough; or keep in Husbandry till in a year, or as much as they could Plough in a day (interim s; but here it is to be taken in the first sense, by some accounted eighteen Acres, by others but thirteen, but as Carucates and other Portions of Land, was uncertain according to the Soil, which was harder or easier to Plough.

The Plea of the Church of *Ely*, for the Recovery of its Lands, [2.] In Appen. n. 3.

[3.] N. 411, 6, 7, 8.

[4.] *Warwic* (sic, Terra Episcopii de Worcester, f. 238. h. col. 1. The Bishop of Worcester's Plea.

c.

Titles for Titles of Lands in the Hundred or Wapentack, in the Conqueror's time.

f.

* Li. Fd. Confeſſor. c. 34. [1.] Spelm. Glossar. In verbo. A Bovate or Oxgangs of Land vbat.

the

The Controversie between *Lanfranc* and *Odo* for Lands belonging to the Church of *Canterbury*.

[4.] *Eadmer* fol. 9. n. 20. [5.] *Not.* in *Eadmer* fol. 198. n. 20. [6.] *Append.* n. 2. A Writer of Precept from *William* the First to the Nobility.

b. c. The Conqueror commands all Lands taken from Bishopricks and Abbies to be restored.

[7.] *Selden's* Notes on *Eadmerius*, from *Textus Roffensis*, fol. 198. [8.] *N. 10.* *Eadmer*, f. 9. n. 40. d.

[9.] *Ibidem*. [1.] *Lib. 1.* 199. *Lanfranc* & *Norman* plead his own Case, and recovers twenty five Mannors, &c. to the Church of *Canterbury*. He recovers also the manner of *Eschoches* or *Stokes* to the Church of *Rocheſter*.

Richard Son of Earl *Gilbert*, [1.] *Gemet.* lib. 8. c. 15. B. C. Or de *Tunbridge*.

[2.] *Script.* Norm. f. 1085. [3.] *Lib. 8.* & *Gemet.* 1. 8. c. 37. The Earls of *Clare* and *Pembroke* their Original.

[4.] *Domesday* Tit. *Kent*, fol. 1. col. 2.

the Title of *Clamores in Kesteven* (a part of *Lincolnshire*) there is a claim referred to the King's Court, *Clamores quos Drogo de Bracara facit super Terras Mercari dimitunt* (viz. the men of that Division) in *judicio Regis*, and there is also Recorded in a claim of Earl *Alan* upon *Wido de Credon* of fourteen *Bovates*, and given in by the same Persons, that *Alger homo Alani dedit vadimonium Baronibus Regis* (that is, such Barons as were Commissioners to make the Survey of this County) *ad confirmandum per judicium aut per Bellum*: That is, he gave Security to make good his Master's or Patron's claim by Ordeal or Battle.

See *Hellum*, and *Judicium* in the *Glossary*.

Doomesday, fol. 212. g. h. See *Glossary*, ut supra.

* Since called *Wolston*, or *Wolston a dea*, & *ed Town*.

Sanctus Johannes de Bevetlaco.

Canonici de Bevetlaco.

See *l. l. Ed. de Tellinghis & Lellis*, c. 34.

In *Norw.* in *Hund. & Dimid. de Clakeslofe a Photestorp*. *Hanc Terram calumpniat esse & liberam Uchehel homo.* ^h *Hermerii quocunque modo judicetur vel Bello vel Judicio, & alius est prelo probare eo modo, quod jacent ad Ecclesiam die qua Rex E. obiit.* Sed totus *Hundredus testatur, eam fuisse T. R. E. ad Sanctam Adeld.*

In *Norw.* the Hundred and half of *Clakeslofe* * *Photestorp* *Ullshetel* the Vassal, Man, or Champion of *Hermerius*, claims this Land to be Free, which way soever it be tried, or judged by *Battle* or *Ordeal*, and there is another ready to prove the same way that it was Church Land, the day that King *Edward* died: But the whole Hundred witnesseth, that in the time of King *Edward* it was the Land of *St. Andry*, or the Abbey of *Ely*.

In *Doomesday*, *Clamores de i North-treding*, *Everwieserine*, f. 374. col. 1.

Omniem Terram quam calumpniabatur Drogo super Sanctum Johannem, Testificata est ad opus ipsius S. Johannis per homines de Treding, & per Donum R. W. quod dedit S. Johanni tempore Adeldredi Archiepiscopi, de hoc habent Canonici sigillum Regis Ed. & R. Will.

Ibidem, *Clamores in Sub-treding Lincolia.*

T. R. E. fuit factus Almar Antecessor Archiepiscopi Thomæ, de seca x. Bovat in Ullingelam, hac terra fuit Code, & modo est Rayner de Brunon, & pro iiii. lib. fuit invadiata T. R. E. & modo affirmant homines de Treding quod Archiepiscopus jure debet habere, hanc socam quousque ei reddantur iiii. lib.

Almar was not here Antecessor to *Thomas* in the Archbishoprick, for there never was one of that name Archbishop, but was his Antecessor in the Possession of the Soke, of these ten *Bovates* of Land, which Soke was Mortgaged, or the Gage assigned to the Archbishop (who was a *Norman*) for three Pounds.

(g) *Libram*. That is, it was not Church-land, or appendant to the Church, and so free for the Normans to seize on.

(h) *Hermerius de senariu*.

(i) *Treding* or *Riding*, from *Tribinga* as before, and the same with *Leiti* in *Kent*, or *Rapes* in *Suffex*. These *Tribinga* had their *Tribintersar*, their Governors or *Rapes*, and what could not be determined in the Hundred or Wapentach, was ended here, and what could not be ended here, was determined in the Shire.

Ibidem.

Ibidem. *Clamores in North-Treding Lincolia.*

In *Limberge Clamat Ivo Talcheose super Regem, vi. Bovat. Terræ. Dicunt homines Comitatus, quod ipse debet habere Terram & Rex socam.*

Very many more Pleas there are of Titles, and for the Possession of Estates of different sorts, before the Counties, Hundreds, Wapentacks, Tredings or Trihings, or those and King *William*, or between *Normans* and *Normans*, or those and King *William*, or between Bishops, Religious and Ecclesiasticks, and the King or Lay-*Normans* who had seized Church-Lands; and no Pleas of Titles between *English Saxons*, or between them (unless they were Churchmen or Religious) and *Normans*. Nor no such fabulous Pleas, as the pretended Plea of *Sharnburn*, of which more afterwards.

From the Time of the Conqueror, we proceed to the Reign of *William Rufus*, and in the very beginning of it we find this Writ or Precept directed to the Sheriff of *Northamptonshire*. [1.] *Willielmus Rex Angliæ W. de * Cahaniis salutem. Precipio tibi ut facias convenire Shiram de Hamtona & judicio ejus cognosce, si Terra de Itham reddidit firmam Monachis Sancti Benedicti tempore patris mei, & si ita inventum fuerit, qui eam tenet de Abbate teneat & recognoscat. Quod si invenietur, qui eam tenet de Abbate teneat & recognoscat. Quod si noluerit eam Abbas in Dominio habeat & vide ne clamor inde amplius ad nos redeat. Teste W. Episcopo Dunelm.* There is also another Precept of this King cited by the same learned Sir [2.] *Henry Spelman* which runs thus. *Willielmus Rex Anglorum H. Camerario salutem, facias convenire & confedere tres Hundredas & dimid. apud m Flichamburch propter Terram illam de Holm qua pertinet ad Ringsledam & quam Abbas Ramesie clamat ad vicem & vestitum Monachorum suorum, & si Abbas poterit respondere ratione & Testimonio comprovincialium quod Antecessor illius eandem terram habuerit ea die qua pater meus fuit vivus & mortuus. Tunc precipio ut illam Terram & omnia qua iuste pertinent ad Abbatiam suam pacifice & honorifice habeat. Teste, R. Bigod apud Wendesforiam.*

To these may be added a Charter of *Henry the First*, for the holding of County and Hundred Meetings, published [5.] by the same Author. *Henricus Rex Anglorum Samsoni Episcopo & p Orsoni de Abitor & omnibus 9 Baronibus Francis, & Anglicis de Wircelstrescira salutem. Sciatis quod concedo & precipio ut amodo comitatus mei*

(1) This was *William de Carile* former Bishop of *Durham*, and [4.] *Jusiciary of England* in the beginning of *Rufus* his Reign.

(m) The place where the Hundred of *Freebridge* circa *Lynn* in *Norfolk* used to meet.

(n) *Roger Bigod* was then neither Chancellor nor *Jusiciary* of *England*, but Earl of *Norfolk*, in which County the Plea was held.

(o) He was a *Norman*, and Canon of *Baleus*, made Bishop of [1.] *Worcester* 1097.

(p) He is sometimes called *Orso* de [2.] *Wircelstre*, and sometimes *Orso* [3.] *Vica comes*, he being Hereditary Sheriff of *Worcestershire*, came in with the Conqueror, and had forty Hides of Land in *Worcestershire*, besides two Lordships in *Warwickshire* and one in *Gloucestershire*.

(q) Barones here [4.] are to be understood *Milites*, such as held by Military-Service, or Barones *Minores*, Lords of Towns or Mannors, or perhaps Free-holders, which if any alien, they were of better account, before Town-ships, Mannors, and Lands were parcelled but into small Divisions.

A writ from *William Rufus* for assembling the County.

[1.] *Spelm.* Gloss. verb. *Tainland*, ex lib. de Rams. Sect. 178.

* A *Norman* who came in with Conqueror.

vid. Cataloge.

l.

[2.] Glossar. fol. 303. col. 1.

A *Tribing* Court.

m.

n.

A Charter of *Henry the First* for holding County and Hundred Assemblies.

[5.] Glossar. fol. 302. col. 2.

o. p.

q.

[4.] *Malmes.* de *Gellis Reg.* fol. 67. b. n. 30.

[1.] *Godw.* de *pref. An.* f. 109.

[2.] *Doomesl.* in *Wircelstrescira*.

[3.] *Dugl. Bar.* fol. 1406. c. 2.

Urfio *Vice comes*.

[4.] *Urfio* *Vice comes*.

[1.] *Urfio* *Vice comes*.

[2.] *Urfio* *Vice comes*.

[3.] *Urfio* *Vice comes*.

[4.] *Urfio* *Vice comes*.

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[11.] *Urfio* *Vice comes*.

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[25.] *Urfio* *Vice comes*.

[26.] *Urfio* *Vice comes*.

[27.] *Urfio* *Vice comes*.

[28.] *Urfio* *Vice comes*.

[29.] *Urfio* *Vice comes*.

[30.] *Urfio* *Vice comes*.

r. & Hundreda in illis locis & eisdem Terminis sedeat, sicut sedebant in Tempore Regis Edvardi & non aliter. Ego enim quando voluero faciam ea satis summoneri propter mea dominica necessaria ad voluntatem meam. Et si quando exurgat placitum de divisione Terrarum: Si interst. Barones meos Dominicos, tractetur placitum in curia mea, & si inter Vavafores duorum Dominorum tractetur in comitatu, & hoc duellum nisi in eis remanserit. Et volo & precipio ut omnes de comitatu cant ad comitatum & Hundreda sicut fecerunt T. R. E. nec ramaneant, propter aliquam causam pacem meam, vel quietudinem, (here wants non habebunt I guels) qui non sequuntur placita mea & Judicia, mea sicut tunc Temporis fecissent. Teste R. Episcopo Londinensi, & R. Episcopo Ranulpho Cancellario & R. Comite de Mellent apud Radinge.

Here Henry the First reserves a Power of convening the Hundred and County when he pleased for his own proper Business. And also reserves the Controversies of the great Barons that held immediately of him to be agitated in his own Court, permitting the Trials between the Vavafors or greater Tenents of two mean Lords to the County. This method of deciding Controversies and Variances, was in use in Henry the Second's Reign, as appears by this [6.] Writ. Robertus comes Legecestria priori de Ely Salutem, Precipio quod sine dilatione teneas plenum rectum Humfrido filio Gaufridi de terra Dunmigeland nisi sit secundum Militis & nisi remaneat pro Affiza Regis: Et nisi feceris, Episcopus de Ely faciat, & nisi fecerit ego faciam. Here the Earl of Leicester commands the Prior of Ely to do the Demandment right in his Court, which was probably a Court Baron, if not, the Bishop should in his Superior Court; and if neither, then he himself would do it. There needs no more Instances in a matter so apparent, and that never was disputed or denied. That for many Kings Reigns, Trials for considerable Estates in Lands, Debts, * under fourty Pounds value, and almost all Controversies were had in the Court Baron, Hundred, or County Courts.

[7.] The Writ of Right was always brought first in the Lords Court, of whom the Land held, [8.] and could not be taken from thence into the County, unless it were proved that the Lord failed in doing right; and without such proof, if they were removed, the Lord might resume them, and pass Judgment in his Court, where both the Demandant and Tenant agreed the Land in question to hold of the same Lord. [9.] But if they claimed to hold of diverse Lords, the Case was then judged in the Court of the chief Lord, or the County Court in the presence of the Lords they claimed to hold of, who were summoned to be present at the Trial. * The Lord also of a Manner, by his own Right, without the King's or his chief Justiciaries Precept, had Power, by the Judgment of his Court, that is by the Presentment or Verdict of his Tenents or Suitors, to restrain his Tenents by their Goods, or Lands if need were, for his reasonable Aids, Reliefs, Services, and Customs. * But if the Lord

Henry the First reserves a Power for his own business, to convene the County or Hundred at pleasure. And reserves the Controversies of his great Barons to his own Court. [6.] Dugl. Orig. Jurid. fol. 13. col. 1. u.

* Baron's use of the Law, &c. p. 37.

[7.] Jold Natur. Breve, fol. 1. Glan. lib. 1. c. 6. [8.] Ibid cap. 7. Writ of Right first brought in the Lords Court, &c.

[9.] Ibid cap. 8. & lib. 3. cap. 7.

* Glan. lib. 9. c. 8. 9. 10. The Lord of a Manner, his Right and Power over his Tenents. * Ibidem.

* Gul. Pictav. 101. c. [6.] Gemet. 312. A. B. Robert Earl of Leicester, who be was.

(*) Noble men, the King's Barons, such as held immediately of him.

(1) Richard de Beaumes a Norman consecrated, s. 1108.

(u) He was * Son of Roger de Bellomont, [6.] Grandson to Turf of Pont Adomr, by Weva Sister to Gunnora, first Concubine, then Wife to Richard the First, Duke of Normandy, Great Grandfather to the Conqueror.

were

were not powerful enough to do himself Right, against his Tenant in his own Court; then he had a Writ directed to the Sheriff to do him right in the County, before whom, if the Lord proved his Relief, Services, &c. to be his right, the Tenant was not only forced to pay them to his Lord, but was also fined to the Sheriff, more or less according to the Custom of the County.

And as before the Conquest, all matters between Persons under the same Jurisdiction were triable in the same; as all Actions of Debt, Trespass, Detinue, &c. * were determined in every Decury, Tithing, or Township, between those of the same Tithing, Decury, or Township. But if the Parties litigant were of divers Townships, then the Controversie was determined in the Hundred, if they were of divers Hundreds, then in the Tithing, Lath, or County * where the Sheriff was Justiciary. And perhaps if they were of divers Counties, then they had right done them in the King's Court. So it was for Persons within the Jurisdiction of the same Mannor, Hundred, or County; but if they were under the Jurisdiction of several Lords, Hundreds, or Counties, their Differences were determined by a Superior Court, whether it were the Court of the chief Lord, Sheriff, or King.

And for the more certain doing of Justice and Right, all the Suitors within the Jurisdiction of the several Courts, especially those of the Hundred and County Court, [7.] were bound to appear under forfeitures, * great Mults and Penalties, that there might be some present of the Neighbourhood or same Parish, who did know the Land, and things in question, and who had been possessed of it, and for what time. And to this purpose, in an Assize, if [8.] none of the Jurors * knew the Right it self, or truth of the Matter, and it were testified to the Court upon Oath, recourse was then had to others, until such were found who did know the truth, but if some of them did know the truth, and others not, those that knew it not were set aside, and others called into the Court, until twelve at the least should be found to agree therein.

[9.] Also if some of them did speak for one of the Litigants, and some for the other, there were more added to them, until twelve at least did agree on one side; and every of them was to swear, being called thereto, that they should not say falsely, nor knowingly forbear to speak the truth. [1.] And further, that such as were sworn might have the better understanding of the matter, it was required, that by their own proper view or hearing, they have had knowledge of the thing in question: And by [2.] Magna Charta it appears that the Assizes or Trials of y Novel Disseisin, and

Controversies between People of the same Jurisdiction, how. * Dugl. Orig. Jurid. fol. 19. 1. &c. Spelm. Gloss verb. commit. fol. 143. Bract. 1.3. c. 7. And where they were tried. * Bracton. 1.3. cap. 7. Controversies between men of different Jurisdictions when and where tried. Suitors to the several Courts bound to appear under great Mults.

[7.] Sp. Im. Gloss. 303. c. 1. Doomesd. Tit. Cestreshire in Derby hund. claus. 3. H. 3. in dorio in 13. claus. 9. H. 3. m. 1. in dorio.

X. [8.] Glanv. 1. cap. 1. & Grand Custom, c. 93. & c. 113. [9.] Ibidem Twelve at least ought to know the Thing in question.

[1.] Glanv. 1. c. 17. and Grand Custom, c. 113. By their own proper view and hearing. [1.] Cap. 12. y.

[7.] Doomesd. Tit. Cestreshire, Derby Hund. The Punishment of such as went not to the Shire and Hundred Motes [8.] Spelm. Gloss. in verbo. [9.] Nemeth. in Affize of Novel Disseisin, Mort de Ancester what.

(*) [7.] Such as went not to the Seire mote, or County Court, without reasonable excuse, forfeited ten Shillings, which was more than ten pound at this time. Nor went to the Assembly of the Hundred, when commanded, lost five shillings.

(*) Milites [8.] who though according to the notion of our times, they were no Knights, yet they were of the better sort of People in the Country, and of the best Reputation, such as held by Knights or Military-Service.

(y) [9.] Where one was lately disseized or dispossessed of his Lands or Tenements, Rent, Office, &c.

V

z Mort

z. a.
b.

^z *Mort D'ancester* were only to be taken in their ^a proper Counties, and by Justices sent by the King, and the ^b Knights of the Shire.

[3.] Tit. Sud-
treading in
Lincolia. Ke-
liven, ib. and
many others.

c.
Mortgages and
Sales of Lands
Registered in
Counties, Hun-
dreds, &c.

[4.] Dougl. O-
rigin. Jurisd.
fol. 17, 18, 31,
91, 94.

Cook Proem.
to Report 3.
Somn. Gavell-
kind, p. 87.
Doomesday. Tit.
Clamores in
Subtreading
Lincolia, &c.

ibidem.
Fines levied in
County Courts,
&c. Fines and
Concords, many
before Justices
Itinerant. See
Cohmies and
Rolls of Office.

* Readings on
Stat. de fin. p. 2.
Pleas held in
Churches and
Church-yards.

[5.] Sim. Dun-
c. 35. Gervasi-
us. Doroborn.
col. 1291.

[6.] Spel. con-
cil. 2, vol.
A. D. 1187.

[2.] Col. 1291.
[3.] Pref. ad
Autores 10.
fol. 43, 44.

[4.] Seld. dif-
fere. ad Pler.
ex Epistola.
Per. Blesensis.
c. 8. §. 1. f. 32, 2.

[5.] Ibidem.

[1.] Th. in Af-
fice de Mort.
de Ancester.

[2.] Selden. in
pref. ad Ead-
mer. fol. 15. &
Doomesday. Tit.
clamores in
Subtreading &c.

[3.] Ingulph.
Hist. Crayl.
fol. 515. a. n. 50.
[4.] lb. l. m. 8.

At the time of making of [3.] *Doomesday* Book, or the general Sur-
vey of *England*, and for many years after, the Jurors passed their
judgment, and gave in their Verdict according to Possession. For
those that were then seized of Lands, had no other Title, than that
they possessed them by the Gift or Permission of the Conqueror, as
by his Seal, or by being put into Possession by his Commissioners, or
some other mediate Lord, who claimed from him, and then Possessi-
on and Right were almost the same thing; so that then every man's
Right was easily determined.

Especially when the [4.] Conveyances, Assurances, Morgages,
Sales, &c. of Lands were registered and recorded in the Counties
and Hundreds where they lay. As in the time of the Saxons, and
the first *Norman* Kings was usual, of which there are many In-
stances in the Citations in the Margin, and many more might be
produced. Fines also were then often levied, and Concords made
in the County Court before the Sheriff and other chief Gentlemen
of the Country, and recorded there, as likewise in Court-Barons,
before the Lord, &c. *Dugd. Origin. Jurid.* fol. 93, 94, &c. And may
be so to this day for Copyholds; where the Custom of the Mannor
will bear it: So that Sir *Ed. Cook's* Assertion that * Fines cannot be
levied without original Writs, was not agreeable to the Practice of
those ancient times.

Besides set and determinate places in Hundreds and Counties for
holding these Pleas, they were sometimes held [5.] in Churches and
Church-yards, until they were [6.] inhibited; and from hence
may be made out the meaning of that Passage in [2.] *Gervasius Do-
robornensis*, concerning the South Door or Porch of the Cathedral
Church of *Canterbury*, which so much [3.] perplexed Mr. *Selden*
concerning Pleas ended there, that could not be determined in the
Hundred, County, or King's Courts, which might be such as were
usually defined in that place by the Civil or Imperial Law; [4.] for
in the time of *Henry* the Second, &c. in the Palace of *Thomas* Arch-
bishop of *Canterbury*, there was a Colledge of Students in the *Cesar-
ean* Laws, [5.] to whom all the knotty Law Questions in the King-
dom were referred for Solution.

(2) [1.] Where Father, Mother, Brother, Sister, &c. died seized or possessed of Lands,
Tenements, &c. and a Stranger (according to the Law Phrase) abate, that is, encroach
upon them before the Heir takes Possession.

(4) As in *Normandy* in their proper Balliages or Bayliwicks which were answerable to our
Counties before the Bayliff, who was Judge of the Affize there, *Grand Cuyllon*, c. 93, §. 98.

(b) This way of trying Titles by Juries, or something very like it, was used upon the making
the general [1.] Survey of *England* in the time of *William* the Conqueror, and not only so,
but about that time, viz. about the year 1077, or 1078. There seems to have been
[3.] Itinerant Justices appointed, to which purpose *Ingulph* who was made Abbot of *Croy-
land* [4.] 1076. says, *Nobis itaque in illis tenementis coram regis ministris calamitatem pene-
sibus diei Juridicum apud Stanordiam datus est, quo die cum regis Justiciariis pro negotiis
adiunus.*

(c) In *Doomesday* 'tis so said frequently.

This

This way of Trial [6.] by Affize, and the Oaths of twelve good
lawful men of the neighborhood, by Verdict or Recognition, seems
to have been introduced, or at least brought into more frequent
practice in the time of King *Henry* the Second, [7.] who vouchsafed
the great Affize, as a Royal Benefit to the People, upon Consulta-
tion had with his Nobles; whereby in tenderness of Life, men
might decline the doubtful success of Battle, and try their right to
their free Tenement that way; before this way of Trial became fre-
quent and universal, Battel, Duel, and Ordeal were very much used
in Criminal and Civil Causes; the first to assert the Right and Title
to Lands, Tenements, &c. And the latter to purge and acquit
men from, or condemn them of Crimes of what nature soever, but
especially such as were heinous or capital. The last of which, ac-
cording to [8.] Mr. *Sommer's* account of the word, signifies an up-
right, just, and indifferent Judgment. See the first part of the *Saxon*
Story. See *Olaus Wormius de monument. Danicis*. lib. 1. cap. 11. de
Ordalio.

This Law or way of Trial was abolished by [2.] *Henry* the Third
in the third year of his Reign, with command to his Itinerant Ju-
stices through *England*, in regard it was prohibited by the *Roman*
Church, that such as had committed Theft, Murders, Burning,
and the like Offences, to whom belonged the Judgment of Fire and
Water, should abjure the Realm. And those that had committed
less Crimes, should find Sureties of the Peace, and left it to the
discretion and Consciences of the Justices for that time, to pro-
ceed according to this order, his Council, not having made any
certain provision in this Case; yet it seems not presently to have
been disused, for [3.] on Jan. 7. 16. *Hen. 3.* by *Inspecimus*, the
Grant of King *John* in the Second of his Reign, of Ordeal and Duel,
was amongst other Privileges confirmed to God and the Church of
Holy Trinity in *Norwich*. And very strange it is, what [4.] *Mar-
Paris* reports of *Remigius* Bishop of *Lincoln*, that being accused of
Treason, his Servant purged him by Fire Ordeal, by which means
he was restored to the King's Favour, and the disgrace was wiped off.

But by *Glanville* it should seem that Duel or Combate was much
used, if not most frequently for the trying of Right, before *Henry*
the Second instituted, introduced, or revived the way of Trial by
grand Affize, by [5.] which in tenderness of Life, (as is said before)
men might decline that doubtful success of Battel, and try their
Right that way; and for the course of proceeding, in obtaining the
Right of a Tenement by Duel or Grand Affize, *Glanville* treats of
[6.] them both together, although he speaks first of Battel, as being
most ancient. In this manner, [7.] after the view of the Land, and
both Demandant and Tenant appearing in Court, the Demandant
claimed thus; [8.] I do demand against B. half a Knights Fee, as
my Right and Inheritance, as the Right of my Father, (or Grand-
Father) who was seized in his *Demesne* as of Fee, &c. And this I
am ready to try, by this my Free-man D. And if any ill shall hap-
pen unto him, as Death, Sickness, or other Impediment before Bat-
tel, then by this or that Person (as many as he would) which were
present and shewed in Court, who had seen and heard of the thing
in Controversie: or thus; and this I am ready to try, by this my
Free-man

[6.] *Glanv. l. 1.
c. 7.*

[7.] Ibidem.

[8.] *Ms. b. Gloss.
verb. Ordeal.*[1.] Append.
n. 9. 10.
Trial by Ordeal
prohibited.[3.] Spelm.
Gloss. fol. 435.
col. 2.[4.] *An. Dom.
1085. f. 12. n. 20*[5.] *Glanv. l. 1.
c. 7.
Henry the Se-
cond introduced
or revived the
Trial by twelve
men.*
[6.] lb. in Tit.
cap. 1.
[7.] Ibid. c. 3.
[8.] Ibidem.
The manner of
claiming by Bat-
tel in Civil Ca-
ses.

Free-man D. unto whom his Father on his Death-bed injoynd upon the Duty of a Son, which he ought to him, that if at any time he should hear of a Suit for that Land, he should adventure himself by Combat to prove it, as that which his Father had seen and heard the claim of the Demandant; thus heard, it was in the [8.] choice of the Tenent to defend the same against the Demandant by Duel, or put himself upon the Great Assize of the King, and to require a * Recognition which of them had most Right in that Land. [9.] And if he would defend it by Duel, he was then obliged to defend himself against the claim of the Demandant, in the very words it was made, either by himself or some other fit Person: And that the Combat once waged, he that held the Land ought to defend it that way, and could not afterwards put himself upon the Great Assize. [1.] And note, before the Duel began, it was necessary for the Demandant to appear in Court, and have his Champion there ready to fight; nor might he bring any other, than one of those he first shewed in the Court, upon whom he put the Diratation, or proof of his Cause. [2.] The Champion of the Demandant ought to be such an one as might be a fit Witness; nor could the Demandant prosecute his Appeal in his own Person, because that could not be done, but by a fit Witness, who had heard of, and seen the thing in question.

The Tenent had his choice to defend himself by Duel or Grand Assize. * Enquest recognition, Grand Cujlom, c. 91.

[9.] Ibidem.

[1.] Ibidem.

[2.] Glanville, lib. 2, c. 3.

[3.] Ibidem.

[4.] Ibidem.

Principale duellum remanebit.

[5.] Ibidem.

[6.] Ibidem.

[7.] Ibid. c. 3. In fine. The Punishment of a Recrunt.

[7.] And if the Champion of the Tenent or Defendant was overcome, his Lord, Patron, or Master, lost the Land claimed, with the Profits and Commodities found upon it at the time of Seisin. And could never afterwards be heard in Court again for the same; for those things that were determined in the Kings Court by Duel, were to remain firm for ever; and thereupon a Precept was directed

(d) This was a great Penalty in those days, and in the Saxon times one of the highest for great Crimes, as appears every where in their Laws.

to the Sheriff, That the Victor should have the Land which by Combat was proved to be his; and should be put in Seisin of it by this [8.] Writ. The King to the Sheriff Greeting, I command you, that without delay you cause M. to be seized, or give him Possession of one Hide of Land in such a Town, concerning which there have been a Plea or Controversie in my Court, because the said Hide of Land was adjudged to him in my Court by determination of Combat, witness Ranulph, but if his Champion were overcome, then the Tenent or Defendant was acquitted from his claim: Thus much Glanvil of Tryal by Combat in Civil Cases.

[8.] Ibid. c. 4. A writ of Seisin to the Victor after Battel.

[9.] Ibid. c. 5.

In Criminal Cases it was also used, but more especially in Appeals of Treason and Murder. And the manner of this Tryal [1.] Bracton delivers, beginning thus, of those which are taken for any Crime or great Felony, as for the death of a man, &c. [2.] when the Delinquent was brought forth and accused in Court, and confessed the Crime; there was sufficient ground for a full and compleat Judgment. But if he denied it, and any one Appealed him of the Crime, and that he did not except against the Appellant, he had his choice, whether he would be tried by his Country, whether guilty or not, or he might defend himself by his own body, that is by Battel; if he chose to be tried by the Country, and repented him of it, he could not try his Case by Duel, but must have it decided by the Country, and so on the contrary. And taking upon him to defend himself by Battel, [3.] The Judge by his Office ought to examine whether all things rightly concurred for the joyning Battel; [4.] and if the Fact and Cause were sufficient, and all things concurred well to warrant the Combat, then the Appellate or Defendant gave Pledges or Security to defend himself, and the Appellant to disprove or diratinate him, and if the Appellate or Defendant were overcome, he lost all his Estate and Goods. But if the Appellant were vanquished, he was committed to Prison to be punished as a False Accuser, yet he was not to lose either Life or Member, and then the Appellate being acquitted, receded from that Appeal, unless the Justices, upon any other Suspicion, thought fit to retain him.

Duel or Battel in Criminal Cases. [1.] Lib. 3, c. 18 [2.] Ibid. n. 3.

e.

[3.] Ibidem.

[4.] Ibidem.

The Defendant, if overcome, lost his Estate and Goods. The Appellant, if vanquished, was put into Prison as a False Accuser.

[5.] Selden de duello c. 11.

Battel in Criminal Cases, under the direction of the Kings Bench. Or Court of Chivalry. [6.] Dugd. Origin. Jurid. fol. 6.

Of these Combats, in Cases Criminal, [5.] some are for Tryal of Crimes, against which the Law by ordinary course may proceed, and of these the Justices of the Kings Bench have the ordering, others for Purgation of Offences against Military Honour, and Reasons committed beyond the Seas, (anciently without Remedy by the Law of England) which the high Court of Chivalry has cognisance of, by Law of Arms. Those in Civil Causes were [6.] under the disposition of Itinerant Justices, or the Justices of Common Pleas.

(c) There were many Exceptions to be taken, many several ways in this way of Tryal; as first to the Person of the Appellant, that he was Outlawed, Perjured, a Condemned Person, or formerly had been Recrunt, and not made good his Proof, &c. any of which were reason enough to put him by his challenge, if proved.

(f) See in his [9.] Honour Military and Civil, gives several Instances of Combats granted by the Kings of England, upon Accusation of Treasons between Party and Party, when the truth of the Cause could not be proved by witness or otherwise.

Exceptions against an Appellant.

[9.] Fol. 137.

In Civil Cases
under the dispo-
sition of the
Common Pleas.

For the *Bill of Challenge*, the *Ceremonies* in *Arming the Combatants*, sitting and allowing their *Weapons*, the preparing the *Lists*, the *Introduction of the Approver and Defendant* of their Oaths upon matter of Fact, which were contradictory word for word to one another; the *Office of the Constable and Marshal*, and other Circumstances Preparatory to the Combat, See old Customs of *Normandy*, c. 68. *Bracton* lib. 3. cap. 21. *Segar's Honour Military and Civil*, lib. 3. c. 17. fol. 131. *Dugdale's Origines Juridicales*, fol. 68, &c. 76, &c. where they are at large treated of. And *Spelman's Gloss. in verbo Campus*, where is described the manner of Combat, both according to the *Marshals* or Military, and also according to the Civil, or Court of Common Pleas, as it was performed in *Totil Fields* near *Westminster* 1571. The whole Court of *Common-Pleas*, being adjourned or translated thither from *Westminster-hall*, Dier as *Chief Justice*, and all the Judges sitting upon a *Tribunal* there erected, and all the *Serjeants*, taking their places in their *Solemn Scarlet Habits*. In a *Writ of Right* between *Simon Lowe* and *Thomas Paramour*, for a Mannor and certain Land in the Isle of *Harte*, by the Isle of *Shepey* in *Kent*.

Trial by Duel
in Tenthfields,
A. D. 1571.

This way of
Trial from the
Lombards.

[1.] Selden, de
duello.

[2.] Saxo,
Gram. Ed.
Francofurt.
fol. 86. n. 20.
[3.] Ib. fol. 77.
n. 40. fol. 81. n. 10.
[4.] Olaus
Worm. mo-
num. Dan. f. 70.
[5.] Ib. fol. 71.

Campiones a
Campo.

[6.] Gloss. in
verbo campus.
[7.] Monumen-
ti Dan. fol. 62.
Campio,
Champion, a
Kemp, or Kemp
From whence
Cimber.

Writ of Right,
now become
obsolete.

[8.] Spelm.
Gloss. fol. 103.

* Selden. de
duello.

(a) * Scandia contained Norway, Swethland, Danemarke, and other Regions North of high Germany.

But

But all things having constantly had their Execution from the *Kings Writs* and *Commands*, let us see who, and of what Quality they were, to whom these were directed, immediately and for some time after the *Norman Conquest*. That they were directed to the *Justiciaries* of *England*, or that they had power from the *King*, either to make them out, or to give order for their making out, and direction to the *Baileys* in their several *Counties*, *Vicounts*, *Sheriffs*, or such as had the Power over, and Government of *Counties* and places whither they were sent, cannot be doubted.

And the first *Justiciaries* we find to be after the *Conquest*, were both *Normans*, *Odo* Bishop of *Baieux* in *Normandy*, half Brother, by the Mother, to the Conqueror, and *William Fitz-Osborn* [1.] who was *Vice-Roy*, and had the same Power in the North, that *Odo* had in the South; was the chief in *William's* Army, most dear to the *Normans*, and therefore he knew would be a Terror to the *English*: He [2.] was *Swar of Normandy*, and had given him here the Isle of *He* [3.] *William* Earl of *Warren* in *Normandy*, and County of *Hereford*; of whom more in the Life of *William*. Next after them [4.] *Richard de Benefacta*, alias *Richard de Tonbridge*, Son to *Gilbert* Earl of *Briouin* in *Normandy* 1073. were made chief *Justices* of *England*, who summoned to the *Kings* Court divers *Rebels*, &c.

In the great *Plea* between *Lanfranc* and *Odo* before-mentioned, *Gosfrid* Bishop of *Constance* in *Normandy* was *Justiciary*; and all those great men of *England* who were to cause the *Sheriffs* of every County to restore to the Bishops and Abbots their Lands which were taken from them; to whom the before-noted Precept was directed, were all *Normans*.

In the beginning of *William Rufus*, [6.] *Odo* Bishop of *Baieux*, and Earl of *Kent*, was again *Justiciary*, and chief of all *England*. [7.] *William de Carlefo* Bishop of *Duresme* succeeded him in this Office, a *Norman* also, and he was in that place, and that Bishoprick followed 1099. by [8.] *Ranulph Flambar* [9.] Chaplain sometimes to *Maurice* Bishop of *London*, a *Norman* likewise; in the Reign of *Henry* the First, [1.] *Hugo de Bocland* a *Norman*, in the year of our Lord 1100. was *Justiciary*. Next was *Radulph* [2.] *Basset* a [3.] *Norman*. After him his Son *Richard Basset* [4.] was *Justiciary*. And then *Roger* [5.] who had been a Curate of a Church in the Suburbs of *Caen* in *Normandy*, for a small Salary, by *Henry* the First made Bishop of *Salisbury*: [6.] And during his Life, whether the King was in *England* or *Normandy*, he presided over all *England*, and was *Justiciary* and Chancellor, as says [7.] *Malsbury*, who lived [8.] in his time. In the time of King *Stephen*, [9.] *Henry* Duke of *Normandy*, afterwards King of *England* by the Title of *Henry* the Second was in this Office.

In the Reign of *Henry* the Second, *Robert de Bello-monte* Earl of *Leicester* before-mentioned, a *Norman* was *Justiciary* 1168. before him [1.] *Alberic de Vere* a *Norman*, Earl of *Gisnes*, and much exercised in variety of Causes, is said to be *Justiciary* of *England*. And after *Robert* Earl of *Leicester*, [2.] who died *Anno Dom.* 1168. [3.] *Richard*

Norman
Justiciaries.

Odo and Wil-
liam Fitz-
Osborn Just-
iciaries.

[1.] Gul. Pi-
stav. 620 D.
[2.] Order. vi-
tal. 521. D.
[3.] Order. vi-
tal. fol. 493. B.
[4.] Ib. 535. A.
[5.] Gemet. 1.8
c. 15. & lib.
Doom. day.

Gosfrid Bishop
of Constance
Justiciary.
Odo Justicia-
ry.

[6.] Hen. Hunt
fol. 212. b. n. 40.

[7.] Malmsh. in
W. 2. fol. 67.
b. n. 30.

[8.] Order. vit.
fol. 786. c.

[9.] Godw. de
pref. p. 109.

[1.] M. Paris,
fol. 204. n. 10.
fol. 619. c.

[2.] Ord. vit.
fol. 619. c. 465. c.

[3.] Ib. 1.905.
D. 906. A.

[4.] Ibidem.

[5.] Godw. de
pref. fol. 389.

[6.] Order. vit.
fol. 919. c.

[7.] Fol. 91. a
lin. 4. fol. 104.
b. n. 10.

[8.] Ibid. fol. 99
b. n. 10.

[9.] Hov. 1153
621. 1. a. n. 20.

[1.] M. Paris.
fol. 77. n. 50.

[2.] Hov. 1.293
b. n. 30.

by *Sub-Justiciaries*; he likewise took notice of all publick *Thieves, Rapes, Murders, Burnings, or Fireings of Houses*, and all other Pleas of the *Sword*, or as we call it, the *Crown of Treasure* digged out of the *Earth, Mines, Wrecks, Water-courses* changed or not kept, *High-ways* changed or stop'd up, &c. doing right in all these and many more things there enumerated. This great Officer was also *General, Vice-roy, and Guardian of the Kingdom* in the *Kings* absence, and sometimes made *Peace and War* by the advice of the chief *Nobility*, as may be observed in the following *History*.

This mighty Office of *Justiciary*, received many gradual Diminutions, and at length determined about the [1.] 45th of *Henry the Third*, there being afterwards a Chief Justice in each Court of *Kings-Bench* and *Common-Pleas*, appointed [2.] men less eminent in Quality, not of the highest Nobility, or greatest order in the Church, without great Alliances in Blood, and a numerous Train of Clients and Followers, less Popular, and less Factionous, and more easily to be commanded by the Prince, yet more knowing in the Law, which by this time was become a [3.] very sublime Mystery, very intricate and involved.

For other inferior Ministerial Officers, *Earls, Vicounts, Bayliffs, Lords of Hundreds and Maners*, before whom *Titles and Causes* of smaller Consequence were tried, 'tis evident they were all *Normans*, none but they enjoying any considerable *Lands, Liberties, or Jurisdiction*, as must be acknowledged by all that know any thing of the Catalogue of *Proprietors* in * *Domesday Book*, or have well considered what *Gervasius* [4.] *Tilburienfis* says in his Book de *Necessariis Scaccarii observandis*, to that purpose, a Person beyond exception, being an Officer in the *Exchequer*, which Court then took notice of all the Estates in *England* one way or other.

Nor were the *Judges and Lawyers* of those times in all probability other than *Normans*, for then they were most, if not all, [5.] *Clergy-men*, and so were they in *Normandy*, as is manifest by the [6.] *Grand-Customer*, where 'tis said the *Judges* are *Sage Persons* and *Authentick*, which in Court give judgment of those things they have heard, as *Archbishops, Bishops, Canons of Cathedral Churches*, and other dignified Persons, *Abbots, Priors* and *Rectors* of Churches, famous for their *Honesty and Piety*; and the most of the great *Clergy-men* in this Nation then, as *Bishops, dignified Persons, Abbots, Priors, &c.* were *Normans*. *William* [7.] depriving very many of the *English* of their *Ecclesiastick Honours*, and put those of his own Nation into their places, as a means to confirm him in his new acquies; and 'tis not to be doubted but great numbers of the inferior Clergy, as well Regular as Secular, came over with them, who were exercised in the *Controversies of the Norman Law*; for Confirmation whereof, there were in the Reign of *William Rufus*, so many of the Clergy Lawyers, that [8.] *Malmesbury* said there was *nullus Clericus nisi causidicus, No Clerk which was not a Pleader*.

If therefore the *Justiciaries, Chancellors, Earls, Sheriffs, Lords of Maners*, such as heard *Causés* and gave *Judgment* were *Normans*; if the *Lawyers and Pleaders* were also *Normans*, the *Pleadings* and

The Determination of this great Office.
[1.] Dugd. Origin. Jurid. fol. 20.
[2.] Spect. Gloff. fol. 334.

[3.] Ibidem.

Inferior Ministerial Officers all Normans.

*Append. n. 10
[4.] L. i. c. 13.

[5.] Dugd. Origin. Jurid. fol. 11.
[6.] C. 9.

Clergy-men, Judges and Lawyers in Normandy.

[7.] Illoved. fol. 159.
b. n. 30, 40.
A. D. 1070.

[8.] Fol. 69. b. n. 10.
All Clergy Pleaders.

Judgments in their several Courts must of necessity have been in that Language and the Law also, otherwise they had said and done they knew not what; especially when the *Controversies* were determined by *Military-men, Earls or Counts, Sheriffs or Vicounts, and Lords of Maners*, that understood not the *English Tongue*; or when the Chief *Justiciary* himself was a *Military-man*, as it often happened, and understood only the *Norman Language*: For this reason, and no other it was that all *Pleadings, &c.* were in the *Norman-French*, until by Act of Parliament in [9.] *Edward the Third's* time, they were appointed to be in the *English Tongue*, but entered and enrolled in *Latin*, save that the ancient Terms in Law might still be retained in that Language, as being more apt [1.] and significant than in any other, which seems to be no obscure Argument. That the Laws of this Nation, except such as have been altered, or introduced by our Kings and great Councils, or by Act of Parliament, were for the greatest and chiefest part of them the *Norman Laws*, and brought in or instituted by *William the Conqueror*, the Subject next to be treated of.

'Tis not to be thought, that ever any Nation enjoyed one simple Law by its self pure, and unmix'd with some of the *Usages and Customs* of other Countries; especially such as have been often over-run and conquered, which do commonly retain somewhat they received from all their new Masters; for Conquerors seldom think their Conquest compleat, until they have over-turned the Laws and Customs of the vanquished, and established such as they think most effectual to establish themselves. Nor hath it been yet heard of, that the World, or any considerable part of it, comprehending many and distinct Nations, have been governed merely by one Law, but that every of those Nations have had, and do retain at least some of their own *Municipal Laws* agreeable to their own Customs.

And so doth this Nation retain some of the *Saxon and Danish Customs*, which do not much differ from the *Norman*, seeing they were Neighbours by Situation, had the same Language, only differing in *Dialect*, and communicated in many Rites and Usages; may joyntly conquered both this Country and *Neustria* in France, afterwards called *Normandy*, for they were not intirely *Saxons, Danes, or Norwegians*, or of one Nation that made these Conquests, although their greatest Leaders, and the greatest numbers of any one Nation, might be such, but a mixture of all these, and several other People of the North parts of Germany.

Yet that the bulk and main of our Laws, or at least very different usages of them, were brought hither from *Normandy* by the Conqueror, such as were in use and practice here for some Ages after the Conquest, is without question; for from whence we received our *Tenures*, and the Manner of holding of Estates in every respect,

(5) Cluverius in his [3.] *Antiqua Germania*, asserts Germany, France, Spain, and Britain, to be one Nation and of one Language, viz. Cels. And also there asserts that Germany, anciently comprehended Denmark, Sweden, Norway, Finmark, the Cimbric Peninsula, &c. And that all or most of those Nations spake the same Language in a different Dialect.

Why all Pleadings were in the French Tongue.
[9.] 36 Edw. 3. c. 15.

Er J. Str John Davis in his Preface to his Irish Reports.

No Nation governed merely by one Law.

They were not People of one Nation that conquered England and Normandy.

The main of our Laws were Norman Laws.
And our Tenures.

[3.] Lib. 1. Germany contained many Nations.

from thence we also received the Customs incident to those Estates, as *Reliefs, Aids, Fines, Rents, or Cens, Services, &c.* and likewise the quality of them, being most of them *Fendal*, and enjoyed under several *Military Conditions and Services*, and of necessary Consequence from thence, we must receive the *Laws* also, by which these *Tenures*, and the *Customs* incident to them were regulated, and by which every man's right in such Estates was secured, according to the *Nature* of them. But from *Normandy* (and brought in by the Conqueror) we received most, if not all our ancient *Tenures*, and manner of holding and enjoying our *Lands and Estates*, as will appear by comparing our ancient *Tenures* with theirs.

See Grand Custom throughout and Scriptor, Norm. 1037

[2.] Gloss. fol. 18. col. 1 The Service of Fees brought in by the Conqueror.

* See Append. n. 10. where are the Names of all the Normans in every County to whom all the Lands in England were given.

[4.] Sommers Gavel. p. 403. Berault. on Custom. Norman. fol. 115. [5.] Dudo St. Quint. Decan. fol. 34. c.

C. Fees originally Military.

[6.] In lib. de feud. disp. c. 5. B

[7.] Dudo ut supra. f. 81. A. B [8.] lib. f. 86. B. [9.] F. 1. printed at Raven, 1620.

The Conqueror gave Norman Laws to the English.

[1.] Ibidem.

The Franks conquered Gallia.

And divided the Lands amongst their Soldiers, Gentlemen, such as served on Horse-back.

A sort of Bondmen, or Servants in the Saxons time

First concerning *Fees*, the Learned [2.] Sir Henry Spelman tells us, *William* the Conqueror brought over the *Service* of them into *England*, who divided all *England* amongst his Great Men, and Chief *Commanders*, and this he says appears from * *Doomesday-book*. And after that the Bondage of *Fees* was known in all parts of the Kingdom, not heard of before in the *Saxon* times.

[4.] The word *Beneficium* or *Prædium* was anciently used for *Feodum*, which was not used in any Nation or Country, until about the beginning of the Tenth Century, from our Saviour's Incarnation.

[5.] *Rex viz. (Gallie) quoque adjectit donationi quam prius Rollo donaverat totam Britanniam, ut per hoc etiam beneficium, officeret illum sibi fidelissimum Vassallum.* [6.] *Hottoman* says *beneficium datur propter officium, quo verbo demonstratur Fendale officium non nisi militare & Bellicum fuisse.* And so [7.] *Rollo* upon his acquiescence of *Normandy*, after having given a Portion to the Church, divided *Normandy*, and measured it out to his *Chieftains* and *Vassals*; [8.] and in his old Age he called them together, and caused them to put their hands between the hands of his Son *William*, by *Pope*, to whom he had given his Country, and bound them to him by Oath, or procured them to swear Fealty to him.

[9.] *Monsieur Berault* upon the Customs of *Normandy* says, the *Origin* and *Antiquity* of their Customs was not certain, but it was very likely they were the Laws of the *Normans* that conquered *Neustria*, and established there by them, and that by the example of *Rollo*, *William* the Conqueror gave the Laws of *Normandy* in the *Norman* Language to the vanquished *English*, [1.] yet in the Preface to the Chapter of Fiefs, he reports from *Cognill* upon the Custom of the *Nevernois*, and *Du Hailan*, that they were first heard of in *Gallia*, when the *Franks* conquered it, in the *Declension* of the *Roman* Empire, that they distributed their conquered *Lands* amongst their *Soldiers*, to whom was reserved the Dignity of *Gentlemen*, and the management of *Arms*, and from the ancient *Gauls* Inhabitants of the Country, who were called *Roturiers*, they took away the use of *Arms*, and permitted to them the management of Rustick Affairs, and Merchandize only, and from thence came the distinction of *Fiefs, Noble*, and *Roturier*, &c.

(c) Not but there were a sort of Bondmen or Villains in the Saxons time, they had their *Ceorls* or *Gubures*, their Rusticks, Ploughmen, and *Servi*; but here he speaks to, and means the manner of *Service* which came from *Normandy*.

There

There were [2.] three sorts of *Military Fees*, *Royal Fees*, as *Dukedoms, Counties, Marquisates, &c.* which held immediately of the Emperor, King, or Prince, and was called *tenure in capite*: And so less Estates and Offices in process of time, that held immediately of the Crown or Person of the Prince, then Meise or mediate Fees, which held not immediately of the Prince, but of some of these *Chieftains* or *Chieftains*; as Barons, Vassals, Castellans, &c. lastly *Military Fees* or *Knights Fees*, such as were held of those *Mess Lords*, and by them given to their *Soldiers*, all these degrees of Fees were in *Normandy*, as appears by the [3.] Grand Custom, where they also had all the Incidents of *Military Fees, Ward, Marriage, Relief, Homage, and Fealty*; and such Divisions into all these sorts of Fees, were made of the greatest part, if not * all the *Lands in England*, by the Conqueror, to his great men, *Commanders* and *Soldiers*, as is manifest by *Doomesday-Book*, a Record without Exception.

And for the Incidents to these *Tenures, Escheat, Ward, Marriage, Relief, Homage, Fealty, Aids, Escheat, &c.* both according to their first rigorous Institution, and afterwards qualified Condition, we have a sufficient Information from all our ancient *Historians* and *Lawyers* in that we received them from *Normandy*. *Forfeitures* also were incident to these Fees, many of which [4.] Sir Henry Spelman hath collected from the *Feudist* and *Fendal Laws*, and some of them do here follow. Originally all *Vassals* held their *Lands* at the will of the Lord, and whether they were *Deinquents* or not, he might at his pleasure take them from them: In point of *Tenure* they were much like our ancient *Copy-holds*, at meer will, and in this of *Forfeiture* they much resembled them, and those also at this day. It was a *Forfeiture*, if thrice summoned to the Lords Court, they neglected or refused to come and take up their *Lands* and do *Fealty*. If they refused to do their *Service*, or denied their *Tenure*, it was a *Forfeiture*. If they sold their Estates without leave of the Lord, or if they sold it by any other Title than they had themselves, it was a *Forfeiture*. If they did any thing against their Oath of *Fealty*, if they adhered to their *Lords Enemies*, or did forsake him in time of *War* or *Danger*, all these were *Forfeitures*. If they committed any outrageous wickedness which was called * *Felony*, as *Murder, Robbery, burning of Houses, Rape, &c.* and which was no Treason, this likewise was a *Forfeiture* of their *Lands* and *Estates* to the Lord of the Fee. And by committing *Felony* and the non-performance of the most of these things, upon conviction the *Tenants* [5.] at this day forfeit their *Lands*, and they *Escheat* to the Lord, some by present-forfeit their *Lands*, and others immediately where the Fact is notorious.

And while we mention *Tenants*, it will give some light to the knowledge from whence we received our Laws, briefly to give an account of the Institution of *Manners* here in this Nation, as I find it in our Learned *Glossarist*, [6.] who says it was a *Norman* word, and brought from thence, and what the *Saxon* called a *Prædium* or *Villa*, their Possessions in *Land* with the enjoyment of *Soc, Sac, Toll, Team*, and other Privileges, the *Normans* called *Maners* a *Manendo*, because such Possessions were ordinarily the Seats of the Lords.

[2.] Spet. Gloss. fol. 119. Hot. com. in lib. de d. f. Feud. c. 6. F.

These Milites or Knights were to be maintained in their Horse and Arms. Hot. in lib. 2. Feud. col. 691. D.

[3.] C. 34. 35. * See Doomsday in every County, and here, Ap. n. 10.

[4.] Gloss. fol. 214. 115. Forfeitures incident to Fendal Tenure.

Vid. Hot. de Feud. Disp. c. 38, col. 886. D. E. & c.

* See the Gloss. fary.

[5.] Coke complete Copy-holder. Sect. 17. 8. Kitchin Tit. Copy-holder.

[6.] Fol. 389. The first Institution of Manners. Manners from whence derived

The

d. They were Feudal.

How they were instituted.

* See Domesday Book every where how Villages and Towns are described with such People in them, under the Proprietor.

[7.] Ibidem, c. For maintenance of their Horse and Arms.

[8.] Ibidem. Base Tenure.

Whence several Customs in several Manors.

[8.] Grand, Cust. of Norm. c. 34, 35, 53 and every where in our ancient Lawyers and Historians.

The Saxon *Jurisdiccions* had their Origin from the *Grants* of their *Kings*, but *Maners* had their beginning from *Feudal Law* or *Right*; for whoever could dispose of *Fees*, might justly give *Lands* to their *Vassals*, erect Courts for passing of estates, and take upon them all other Priviledges, meerly pertaining to a noble *Fee*.

He further says, at the beginning this was the course of instituting *Maners*, for the most part different Lords possessed the Territories of every Town or Village, and * cultivated it by their Servants, Vassals and Husbandmen, for at that time there were living in the Country, only Military men, Labourers, or Husbandmen; first the Lord designed the place of his own *Habitation*, and annexed to it a plentiful Portion of *Land* for the maintenance of his Family, which are yet called *Terra-Dominica*, *Demefn Lands*; [7.] another share he gave to his *Vassal* or *Vassals* for their aid and assistance in War, and these were called * *Knights Fees*, or *Military Fees*, which if they were not sufficient for the maintenance of one Soldier, yet according to the Quantity of Land they enjoyed, they contributed such a share or performed such Service as was appointed and agreed for, half, a third, or fourth, or less part according to the smallness of the Portion of the *Fee*, granted towards the Lords Military Expenses, [8.] a third part he distributed to such as performed all rustick and servile Works, repaired his Houses, ploughed and sowed his Land, reaped his Crop, carried it into Barn, Threshed it, Digged, Hedged, and took care of his Flocks and Fields.

The Precincts of this Distribution were governed by such Laws as the Lords imposed; and as all their Estates arose from his *Benevolence*, so they depended on his *Will*. Hence so many several *Customs*, in several *Manors*.

The *Lords House* was the *Aula*, *Hall*, or *Court*, and all the Tenents, if need required, were bound to attend there every three weeks, but generally at the Feast of the *Annuntiation*, and *St. Michael*, from whence these Courts kept at those times, were called *Curie generalis*, or *General Courts*. These *Lords* of *Maners*, or *small Baronies*, held either in *Capite* of the *King*, or most commonly of other great [8.] Barons,

(d) Many of them had so, but without doubt they had some Feudal Tenures, or somewhat like them; they with the *Angli*, *Futes*, &c. coming from the *Claudian Peninsula*, and the North Parts of *Germany*, where such Tenures were General, from whence the word *Pajus*, *Pajallus*, or *Palusor* was derived to other Nations, *Hor. de Fend. disp. 7. 810. C.* As also in their Neighbour Nations of *Danemerk* and *Norway*.

(e) I rather think these *Fees* to have been most whole at first, and that in time by favour of the Lord, they parcelled out and sold them, and such a part of a *Knights Fee* was apportioned to such and such a man, as Rents are amongst Copy-holders at this day, where a Tenant sells part of his Copy-hold to one, part to another. There are many Instances of whole Manors granted by the Service of one *Knights Fee*, *Robert Fitz-Roger* 9. *Richard* the First had a Grant from him of the Manor of *Eure* in *Buckinghamshire*, by the Service of one *Knights Fee*. 1. *Fossard*, a Confirmation of the Castle Manor of *Workmorth* in *Northumberland* by the Service of one *Knights Fee*. 5. *Johannis*, the Manor of *Newburn* in the same County, by the Service of one *Knights Fee*. The Manor of *Clawering* in *Essex* by the same Service. 7. *Johannis*, the Manor of *Robiri* in *Northumberland* by the same Service of one *Knights Fee*, and the Manor of *Wuygton*, with the whole Barony, which formerly belonged to *Robert de Granvill*, by the Service of three *Knights Fees*; he had then also the Honor of *Tiehill*, with sixty *Knights Fees*, and three parts of a *Knights Fee* belonging to it. *Dugdales Baronage*, fol. 107, Tom. 1.

as

as of their Honors or Heads of their Baronies by the same *Tenures*, and under the same *Forfeitures*, and these in like manner of the *King*, in *Capite*; for by the [9.] *Feudal Law*, *Sub-Fees* were to be given, and received according to the Laws of the first Institution of the *Capital*, *Royal*, or *Great Fees*, which held immediately of the Prince, and therefore as the Inferior, or lowest Lords * had their Courts, and most commonly for adjusting all Matters within their Jurisdiction of their *Maners*; so had those of a middle Rank within their Jurisdiction, for such of these inferior Lords, or others, as held of their Baronies: And likewise that *Capitol Barons* had their Courts within their Jurisdiction, in which all or most Matters relating to, and arising between their Tenents, were ordered and decided, and they were not only held at the chief Seats of their Honors or Baronies, but perhaps all over *England* where they had any considerable Lands or Possessions, as the * Honor of *Richmond*, Honor of *Gloucester* and *Clare*, Dutchy of *Lancaster*, &c. have at this day their several Courts for determining *Controversies* and *Suits* within their Jurisdiction of matters of small value.

Lastly these great *Barons* were within the [9.] *Jurisdiction* of the *Kings Court* or *Exchequer*, where all Pleas concerning their *Baronies* were terminated.

The Conqueror gave to some of the greatest of his Followers whole *Counties*, and to some two, three, or more *Counties*, with a great proportion of *Lands* in them; to others some part or portion of a *County*, as *Hundreds*, or several *Maners* and *Towns* in them, who sometimes parcelled them out to their Dependents and Friends, and they again to theirs, till at last (though the Saxons most frequently held their own Estates, of these new Lords, and by new Titles from them) some Soldiers, and ordinary men, had some proportionable shares for their Services, though upon hard Conditions, possessing them for the most part as Feudataries, and according to the Rules of the Feudal Law, which as it was the Law for the most part in *Normandy*, as to Possession and Tenure; so was it here in *England*, until by the Indulgence of *Usurpers*, to the great men, and of them to the People their Tenents and Followers, their Tenures became more easie, and were changed into Inheritances, both Free and Bond as they did in *France* upon the Usurpation of [1.] *Hugh Capet*, the Nobility closing with him, on condition their *Baronies* and *Fees* might be *Hereditary* and *Patrimonial*, which before were *Arbitrary*, and enjoyed at the Will of the *King* only: The Nobility in those times never lost by advancing *Usurpers*, if they prospered, always bargaining with them for some Flowers of their Crown, and the bettering their own Condition. As appears by the *Stories* of our *Lawful Sovereigns* also, who according to their *Examples*, and their own *Needsities*, as things then stood, and for their own Security, and the often forced to comply with the *Demands* of *Holy-Church*, and the *Barons* called in to her *Assistance*, though to their own disadvantage;

(f) This Title was frequent in *Normandy*, for the Seat or head of the Honor, Earldom, or Barony; See Script. Norm. 1037, 1040.

and

9] Hot. de cust. Disp. 10. 830. D they might lighten, but not enlarge the Condition of the Fee, Ibid. Charter. Grand. Cust. c. 53.

Lords of Maners ought Suits to the Courts of mean Barons.

f. And they to the Courts of great Barons, on whom they held.

[9.] Glan. l. 1. c. 3. And the great Barons to the Exchequer, or Kings Courts.

The Lands of England parcelled out and distributed by the Conqueror.

[1.] Hotom. in Feud. Disp. col. 845. A. B. Et de Serres, fol. 120. A. D. 987. The Barons made advantage by setting up Usurpers. And sometimes of their lawful Sovereigns by bearing too hard upon them.

Honor what.

Lands became free and hereafter many ways.

The Feudal Law might be relaxed, by the use of the Canon, and Imperial Law
* Seld. Differtatio in Fle-tam, c. 8.

Tenures in Al-moigne in Normandy.
In Burgage.

f.
In Socage.
And Burgage.
g.
Or servile Te-nures.
Gavelkind there also.
See Berault in many of the Vi-counties.

The Exchequer in England the same with the Norman Exchequer.
* Lib. i. c. 14.

[2.] Ibid. fol. 9. b.

All Services base and ignoble but Military Services.
* Berault. fol. 112. and Article 158.

and besides this way, without doubt many Lands became Free and Hereditary, or their Services made certain by *Compact* or *Agreement* between *Tenants* and *indigent Lords*; whereby their *Lands* were *manumitted*, the *Services* released, or they were granted to them by *Deed* or *Feoffment*, and it is not unlikely, but that the use of the *Canon* and *imperial Law* prevailing here, or being promiscuously used with the ordinary Law, for a *Century* or two of years, from the time of King *Stephen*, until * the *Reign* of *Edward* the Third, might much relax and abate the Rigor of the *Feudal Law*, and render the *Feudals* *Conditional*, and far more qualified than they had been formerly; and hence the *Laws* concerning them became more easie, and received their several *Alterations* and *Amendments* by *Flux* of time, or *Acts* of great *Councils* or *Parliaments*; and instead of rigorous *Tenures*, the more soft ones of *Free-Simple* in all its *kinds*, and *inheritable* and *qualified Copy-holds* were introduced.

Besides this *Tenure* of *Homage*, there were also other *Tenures* in *Normandy*, as *Per Eleemosynam*, in *Frankalmoigne*, as the *Churchlands* were held. *Burgage* as the *Lands* in *Burroughs* are held by *Custom* of the *Burrough*, both which we have, and ever had here from the *Conquest*, though not perhaps the former, in *purâ & liberâ Eleemosynâ* as in the *Saxon* times.

The *Normans* also had *Fiefs*, & *Roturiers*, the same or very like our *Socage Tenure*; and *Tenure* by *Bordage*, which was a *drudging & servile Tenure*, and those that held such *Lands*, could neither give, sell, nor *Morgage* them; See *Grand. Cust.* C. 28, 29, 30, &c. with the *Gloss*. They had also a *Tenure* not much unlike our *Gavelkind*, if not the same, as appears there, c. 26. *de portionibus*, and this *Custom* is used to this day in several *Vicounties* of *Normandy*, and in the *Vicountie* of *Baieux*, where *Odo* made *Earl* of *Kent* by the *Conqueror*, was *Bishop*, *Berault* fol. 714. 715. and might be brought from thence into *Kent* by him.

Having thus briefly given an account how men held their *Lands*, and what propriety they had in them about, and for some Ages after the *Conquest*, and the *Laws* by which they were regulated. The second *Argument* I shall make use of, to prove that men held their *Estates* by the *Norman Law*; and that it was the chief Law in use here, shall be the consideration of the Court of *Exchequer*; which as * *Gervasius Tilburienfis* de *Necess. Scac. obs.* (a sure Author) reports, was here from the very *Conquest*, and instituted according to the Pattern of that in *Normandy*, and was erected there by *Rollo*, as *Re-vise* faith, *Notes on Grand Cust.* fol. 8. [2.] The *Authority* of this Court was so great, that no man might contradict a *Sentence* pro-

(f) These held by *Rent* or *Cens*, ignoble Services, all * Services in ancient times being esteemed base and ignoble; but Military Services; these were not permitted the use of Arms, being only allowed the practice of Husbandry and Merchandize.

(g) Ten doit savoir que aucune que tienon sief per vil Service, &c. And ye ought to know that such as hold their Fiefs or Vices in base Service, as (Roturiers) ought not to have a Court of their Tenents, of their own Fee, such as Bordiers, & ceux qui servent a sac & a somme, which do drudging Services, carry Sacks and Burdens, &c. and others which owe Villain Services, as to drain Marshes and Moors to Dung or compost Grounds, mow Hay, and do other Villain Services; *Grand. Custom*, C. 53. In fine.

nounced

nounced here, and not only the *Law* and the *Affairs* concerning all the great *Baronies* of *England*, and all such *Estates* as held in *Capite*, were transacted there, but many *Laws* or *Rights* were discussed, and many Doubts determined, which frequently arose from incident questions; for the excellent knowledge of the *Exchequer* consists not in Accounts only, but in multiplicity of Judgments. And Common-Pleas were usually held in this Court until the Eight and twentieth of *Edward* the First, it was [3.] Enacted, That no Common-Plea should be henceforth held in the *Exchequer* contrary to the Form of the great Charter.

In this Court sat the [4.] Capital Justiciary, the Chancellor, Treasurer, and as many of the most Discreet, greatest and knowing men, (real Barons) whether of the Clergy or Laity as the King pleased to direct.

The Business of the Court, was not only Accounts and what belonged to them, but to Decree Right, determine doubtful Matters which arose upon incident Questions, to hold Common-Pleas, as before, and to judge what chiefly concerned all *Capite Lands*, and the great *Baronies* of *England*.

The great Officers and other great men that sat here, were all *Normans*, or of *Norman* Extraction, which probably neither well understood nor spake the *English* Tongue, nor much less had time to learn, know, or understand the Common-Law of *England*, being then and ever since the *Conquest*, [5.] *Lex non Scripta*, [6.] divinely cast into the heart of Man, as *Sir Edward Coke* affirms, unless they received it this way by Inspiration. How then could Judgments be made, and Sentence given in this Court, by any other than the *Norman Law*?

By what hath been said, it doth in a great measure appear, that the *English* and *Norman* Laws were the same; yet to make it more plain, I will add a very brief *Abstract* of the old *Norman* Laws out of the old *Customs*.

Jurisdiction was either *Feudal* or *Commissory*, *Feudal* was that which a man had by reason of his *Fee*, by which he might do Law or Right in *Plaints* belonging to his *Fee*, and in all *Plaints* moved against the *Residents* within his *Fee*, unless such as appertained to the *Dutchey*, i. e. Royal or Pleas of the Sword or Crown.

Commissory Jurisdiction, was such as was committed to any one by the *Prince*, or *Lord* to whom it belonged, as to a *Bayliff*, *Senechal*, or *Provost*, &c. the *Prince* only had a full *Jurisdiction* of all *Lay-Pleas* that came before him. That is, he might if he pleased, judge and hear all sorts of *Pleas*.

Alcun Justicie bien ses Hommes, Telle Justice est fait per prendre membres, ou sien, ou Corps. Quis bene Justiciat homines suos. Such Justice was done by Caption of Goods, the Fee or Body, and was called *Justicement*, c. 6. forcing of men to do Justice by one of these three ways, according to Law.

Common-Pleas holden in the Exchequer.
[3.] Artic. super cart. c. 4.

[4.] Gerv. Till. lib. c. 4. What Persons Judges, and Assessors in the Exchequer.

Pleas of sundry and divers Natures judged in that Court.

[5.] His Reading de finibus, p. 3.
[6.] Ibidem.

Grand. Cust. C. 2. A Brief Abstract of the Norman Laws.

C. 3. This was the way to do Justice by forcing the Execution of the Law.

Justicier

Y

C. 4.
Justiciars or
Justices.

Justicier five *Justiciarius* *Nomen accepit, eo quod Justiciandi homines habeat potestatem.* The *Justiciary* took his name from bringing men to *Justice*, or doing *Justice* to them. The *Justiciaries* were *Superior* or *Inferior*, appointed by the Duke to take care of and guard his Country. The greater were the Masters of the Exchequer, who had power to amend, *les Torts*, the Wrongs which the Bayliffs had done.

Bayliffs what
they were in
Normandy.

The *Bayliffs* were called the less *Justices*, because they had not power to do *Justice* out of their *Bailiwicks*, which were but *seven Principal ones* in all Normandy. The *Bayliff* had power to do *Justice* and *Right* to the People under him, to keep the Peace, to end or determine *Plaints*, to destroy *Thieves*, *Murderers*, *Burners*, and other *Malefactors*. *Plaints* were to be carried to the *Justices*, and they were bound to receive them, and to take *Pledges* for *Prosecution*, to assign a day for hearing, to keep a *Court*, and to put their *Judgments* in *Execution*. The *Subjusticiars* were *Officers* established under the *Justiciars* to do *Execution*, such were *Viscounts*, *Serjeants* of the *Sword*, *Bedells*, or *under-Serjeants*, &c.

Bum-Bayliffs.

C. 5. with
the Comment.
A *Vicount* in
Normandy was
an *under Officer*
of the Law, a
Pedant judge,
and was the very
same with a
Provost or *Vic-*
inger or *Vicar*,
who heard small
and ordinary
Cases, *Paliqu*,
Recherc,
fol. 860. D.
Serjeants of the
Sword.

The Office of the *Vicount* was to hold *Pleas* of antient *Paths*, *Ways*, *Bounds*, *Watercourses*, &c. and to walk the Parish with twelve men of the same, and by their *Oath*, or the *Oath* of the greater part of them, to inquire whose Lands lay next the *Ways*, &c. and cause them to be amended by those which held the Land; accordingly he was to inquire by the *Oath* of twelve lawful men, of *Malefactors*, as *Murders*, *Thieves*, *Traytors*, *Ravishers*, and other *Criminals*, to keep them in Prison till they were delivered by the Law of the Country.

There had also under them *Serjeants* of the *Sword*, who held the *Views*, and made the *Summons* to them, and executed the *Precepts* of the *Affizes*, and what was judged there; and to keep and deliver according to Law, *Distresses* taken. The *Bedells* were the less *Serjeants*, which ought to take the *Distress*, and to do *Offices* less honourable, and to make the lesser *Summons*; and these were in every good Town.

C. 6.
Default.

Trespasment des Termes sont Appellez defaultes, that is, such as came not at the time appointed, nor appeared in Court according to *Summons*, or when they ought, or performed not what they were then to perform, were in *Default*.

Fealty.

No man in Normandy could receive *Fealty* from another, without saving his *Fealty* to the Duke, which is to be expressed in doing *Homage*. And therefore the Duke hath the whole *Justicement* of the body of a man for or by reason of the *Fealty* that all men owe him.

If a Lord doth wrong to his man, by reason of his Fee, the Court then appertains to the Duke, if there be no *Mesne* or *Middle-Lord*, between the Duke and him, which by reason of his Fee, may have the Court.

About

About *Distresses*, taking Goods and impounding Cattle much used, as in use with us.

Of the times when many Lands are to be several, or *commune*, the Usage much the same as in England.

Judges were Sage Persons, and *Authentick*, which gave Judgment in Court, as *Archbishops*, *Bishops*, *Canons* of Cathedral Churches, and other dignified Persons in Churches, *Abbats*, *Priors*, *Conventual* and *Governours* of Churches, famous for their Discretion and Honesty; and *Bayliffs*, *Knights*, *Serjeants principal*, and *Seneschals* of Barons, famous for Knowledge and Honesty; every of these might remain in Court for Judgment, if the Cause were not their own, or they were no ways Parties, nor had given Judgment, nor were *Witnesses* in it, nor were suspected for Love, Favor, or Hatred. Barons ought to be judged by their Peers, and others by all such as cannot be removed from Judgment, (i. e.) such as were not suspected as before.

Antiently there was in Normandy a greater Justice than all the beforementioned, which was called the *Seneschal* of the Prince; he corrected all inferior Justiciars, as *Bayliffs*, &c. and removed them from their Offices, if he saw it convenient, he preserved the Land of the Prince, and made to be preserved the Laws and Rights of Normandy, to which purpose he travelled every three years through Normandy, and visited all the particular *Bailiwicks*, and inquired of the *Injuries* and *Excesses* done by the *Subjusticiars*, and also held *Pleas* of the *Sword*, &c. and in all things that belonged to his Office, he might cause them to be amended, without *Pleas* or *Affizes*, and in all places where he found any thing amiss, he might do as he thought expedient.

Custom, Law, and Usage, understood and practised in the same manner as in England.

All such as were *Residents* in the Dutchy of Normandy, ought to swear *Fealty* to the Duke and keep it; and therefore in all things they ought to be Loyal towards him, and were not to procure his damage, nor to give Council or Aid to his manifest Enemies; such as were found culpable of any of these things, were called *Traytors* to their Prince, and all their Possessions remained to him always.

The Women in Normandy, without consent of their Husbands, could make no Contract or Bargain.

Wree belonged to the Duke of great and rich things there named, and of ordinary things to the Lord of the Fee; all the Controversies arising from it, were to be determined in the Dukes Court.

Treasure Trove, i. e. found or digged any where, belonged to the Duke.

Waifs belonged to the Lord of the Fee, or sometime to the Duke, according to Custom.

C. 7.

C. 8.

C. 9.
So it was in
England,
who anciently
Judges in Nor-
mandy, Bishops,
Abbats, Priors,
Canons, &c.

C. 10.
Seneschal of
Normandy.
He was like the
Milli Regales,
or Dominici, in
the old Empire,
or *Itinerant Jus-*
tices, anciently
that went their
Circuits once in
two, three, four,
five or six years

C. 11.
Custom, Law,
and Usage.

C. 12.
All the Resi-
dents in Nor-
mandy swore
Fealty to the
Duke.

C. 13.

C. 14.
Wree.

C. 15.
Treasure Trove

C. 16.
Waifs, &c.

Y 2

The

C. 10.
Ad Glanv.
lib. 7. c. 16.

The *Chattels of Usurers* that died, belonged to the Duke; so to our Ancient Kings.

C. 11.
Felon Goods
were the Dukes

The *Chattels* of such as killed themselves, *Excommunicate* and *Deperate Persons* (such to whom *Confession* and the *Sacrament* was denied) were the Dukes.

C. 17.
Moveables and
Chattels for-
feited to the
Duke.

All *Moveables forfeited*, belong to the Duke. *Moveables* were the *Chattels* of such as were condemned by Judgment, that were hanged, burnt, their Eyes pulled out, or their hands or Feet cut off or bannished, &c.

C. 14.
Assize what.

Assize was an *Assembly of Knights*, and *Sage men*, with the *Bayliff* in a certain place, and at a certain time, which contained the space of forty days, between one *Assize* and another, by which Judgment and Justice was done of such things as were heard in Court; in these *Assizes* the *Juries* sometimes were brought to a *Non-savoir*, *Non-scire*, or *Ignoramus*. And when nothing of Certainty or Credit was depoled, the *Inquest* being first examined, the Return or Verdict was *L'enquest fect rien*.

Ibidem.
Juries brought
in Ignoramus.

The *Lands and Estates and Profits* of condemned Persons for *Felony*, were the Dukes for a year and a day, afterwards they were the Lords of the Fee, of whom he held immediately; so in England.

Ibidem.
Lands, &c. for-
feited, as in En-
gland.

C. 15.
The eldest Son
succeeds the
whole, &c.

In *Fuedal Succession* the Eldest Son succeeds in the whole, and so it descends to the next of the Blood, and never ascends when there is any of the descending Line remaining.

* C. 15.

* Tom. 3.
col. 831.

Military Ser-
vice in chief.

Service of 40.
days.

* See the Glo-
sary.

* Co. Lit.
Sect. 95.

In the Latin Version of the *Custom of Normandy*, printed at Paris 1539. there is a * Chapter de exercitu Ducis, not to be found in the French Print of that year; but Du Fresn in his * Glossary cites a good part of it, from the MSS. *Custom* in the Chamber of Accounts at Paris, which he made use of in these words; Or est un service que Doit estre fet au Prince en armes, se lout la Coustume & L'establissement des Fieus, & des Villes, & iceil service est acoustume a seer par 40. jours, pour le secours, & Paide de la terre de ceux qui en tiennent les Fieus, come ce soit fet pour aucun Delivrance, & pour le profit del Commu Peuple, &c. Tous fiefs de * Hanberc sont especialment establi pour fair, le propre service, de la Duchee, & Enselement de Tous les Countees & les Barones, Doivent accomplir ce service, & a decertes toutes les villes qui ont Communes. Si devez savoir que les fiefs de Hanberc que sont es Countees & es Baronies qui ne sont pas Establies pour la Duchee de Normandie, ne doivent pas de service, D'ost, fors as Seigneurs as quiens il sont fiefs. Excepte nequedent Larrierban del Prince, auquel Treisons, grans & petits pourtant que il soient Convenables pour armes porter, sont tenu sans excusation nulle, a fair lui aid & profit a tout leur pooir. Now there is a Service which ought to be made to the Prince in Arms, according to the Custom and Establishments of Fees, and of Cities or Burghs, and this Service is by Custom performed by * forty days, for the succor and aid of the Land, by such as hold the Fees; as it were done for any Delivrance, and for the profit of the Commune People, &c. All Military or Knights Fees were especially established to do the proper Service

Service of the Dutchy, and likewise all the Earldoms and Baronies ought to accomplish this Service, and all the Cities or Burghs that have Communities; it is also to be understood, that the Knights Fees which are in the Earldoms and Baronies, which are not established for the Dutchy of Normandy, nor do owe Service to the Army, but to the Lords of whom they are holden, except at the Arrierban of the Prince, to which all both great and small, that are able to bear Arms, are bound to come without excuse, and to give him aid and assistance with all their Power.

The Latin Version agrees with this French Text, and as it proceeds further, there is a Clause exactly agreeable to the ancient practice in England. The Duke of Normandy granted to such as had performed their Service in the Army forty days, *Scutage-Service*, of such as held of them by Military Service. *Exercitus autem dicitur auxilium illud pecuniale, quod concedit Princeps Normannie factis exercitus per 40 dies servitio, Baronibus vel Militibus, de illis qui tenent, de cui feodis, vel de tenentibus suis in Feodo Loricati:* And so was the Usage of our ancient English Kings after the Conquest, to grant to such as had personally, or by substitute or fine, performed their Service in the Army, *Scutage-Service*, of such as held of them in Military Tenure.

Heritages partible and not partible: *Tenure in Military Service* and *Serjeanty* impartible. *Heritage* partible was equally divided amongst all the Sons, &c. All the Children of one Son, were but to have the share of their Father divided amongst them.

A Father that had many Sons, could not give one a better Share than the other of his *Heritage*; for if he did, notwithstanding his Gift, it was to be divided with his other Lands, amongst his Sons after his death. He could not Give, Sell, Mortgage, or any way put any part of his *Heritage* into the hand of a Bastard Son, but within a year and a day it might be recovered by his Heirs.

Impediments of Succession were *Bastardy*, profession of Religion, Blood attained, Leprosy, &c.

Lands of a Bastard, if he had no issue by a lawful Wife, returned to the Lord of the Fee.

Tenures were by *Homage*, by *Parage*, by *Bourgage*, by *Almoign*, *Bordage* or *Tenure of servile works*, *Tenure of Rent or Rent Charge*, &c.

No Tenant by *Homage* could sell or ingage his Fee, without consent of his Lord, unless in some parts there was a Custom to sell or ingage a third part, or a less, so as there was left enough to pay and perform the Services, *Faisances*, and Dignities due to the Lords.

Parage is when the younger Brothers hold their Share of the Fee of the elder Brother, and he of the Lord, and does the *Homage* and *Service*, they contributing their Shares. So it is called *Parage* in respect of *Parentage*, in which they are equal, not in respect of their *Estates*.

Bourgage

The Duke granted to such as held of him Scutage Service of the Tenants.

C. 26. & 36.
Gavelkind.

Ibidem.
Glanvil. lib. 7.
c. 1. & 3.
Soccagium divi-
sum.

C. 27.
Impediments of
Succession.

C. 28.
What Tenures
in Normandy.

C. 29.
Tenent by Hom-
age could not
sell, &c.

C. 30.
Parage.

C. 31.
Bourgage.

Bourgage is a Tenure according to the Customs and Usages of *Bourghs*, and may be bought and sold as *Moveables*, without the Assent of the Lord.

C. 32.
Franc Almoign.

Tenure in *Almoign*, or *Franc Almoign*. So *Lanás* given in pure *Abus* to God and such as serve him.

C. 33
Ward and Marriage.
A Member of a Military Fee

The Duke of *Normandy* had the *Guard*, or *Wardship* and *Marriage* of all *Minors*, which held of him by *Homage*, by a Fee or a Member of a *Military Fee*. A Member of a *Military Fee* is the eighth part, or any part under, as a sixth or seventh, not but it might be divided into more, but less than an eighth could not have *Court* and *Usage* belonging to it. So other *Lords*, of such as held of them by *Homage*.

C. 34.
Relief.

The Duke and other *Lords* had also *Reliefs*, 15 l. of a *Military Fee*, and 100 l. of a *Barony*; upon the death of the *Tenents*, an Earl paid 500 l.

C. 35.
Three Capital Aids, Glanv. lib. 9. c. 8.

Tenents in *Military Service* paid three *Capital Aids*, one to make the *Lords* eldest Son a *Knight*, a second to marry his Daughter, a third to redeem their Lord out of *Prison*.

C. 39, 40, 41.
&c. Glanv. l. 1. c. 8. to the end. Effoins.

Effoins or excuses for delaying *Suits* in *Fendal Pleas*, were *de Malo veniendi*, *de Malo lecti*, *per Servitium Ducis*, *de ultra Mare*, *de Privilegio crucis*, &c. The same in *England*.

C. 50.
Warranty.

Of *Warranty*, whoever was called to it, was bound to secure the Land he passed away, or to give for much other Land in lieu of it, to him that vouched him to warrant it.

C. 51. & 67.

Wrong in *Word* or *Deed*, as *Battery* and *Defamation*, were *Actions* personal, *Actions* of wrong Possession of *Fees*, *Moveables*, or *Chatels*, were possessional.

De Tort
faicte Tort.

Wrong or *Tort* was the Fountain of all Contention.

C. 52.
Forcible Entry.

Forcible Entry, and breach of the *Peace*, contrary to the Dignity of the Duke, and *Peace* of the Country.

C. 53. & Gloss.
Tit. Court Pleas of the Sword.
By Charter from the Duke, Knights, Earls, Barons had Courts, &c.

Of all these *Pleas*, and also *Pleas* of the *Sword*, the Duke hath his *Lay-Court*. And also by *Grant* and *Charter* from the Duke, *Knights*, and such as hold freely *Earldoms* and *Baronies*, and other *Dignities* *Feudal*, whether *Military Fees*, or *Frank Sergeanties*, or other *Frank* or *Free Fees* have their *Courts* of their *Residents* in *simple Pleas*. And of *light* and *weighty Matters* of *Moveables* and *Heritages*, and of *Thefts*; yea although they were to be determined by

* Glanv. l. 8. c. 9

* *Battle*. But such as were not noble *Tenents*, or held by *vile Services* as *Bordiers*; and such as performed *drudging* and *villain Services*, had no *Court* or *Usage* over *Tenents* in such *Fees*.

C. 54.
Tit. de Haron
our Hue and Cry.

There was a *Court* of the *Cry* called *Haron* (with us *Hue and Cry*) to which all that heard it were bound to go: And there was an *Inquest* whether the *Cry* was *rightfully* or *wrongfully* levied; for it was never raised but in *Causés Criminal*, as for burning *Houses*, for *Theft*, Murder,

Murder, *Robbery*, or other great and apparent *Mischiefs* or *danger*. They begun at the place the *Fact* was done, and pursued the *Malefactor* from *Parish* to *Parish* with noise and *Arms*, until, if they could, they had taken and rendered him to *Justice*; and for neglect in the *Parish* or *Peoples* making this *Cry* and *pursuit*, they made fine to the Duke. This was called a *Plea* of the *Sword* (or as we call it of the *Crown*) because such *Malefactors* ought to be restrained by the *Sword* and *Arms*, and ought to be put in *Prison* and bound.

Such *Pleas* are called *Criminal*, for which a man loseth *Life* or *Member*; others are called *simple*, by which the *Malefactor* is only chastised as a *Child* with a *Rod*.

The *Court* of some *Pleas* is in the *Vicounts*, of some in the *Affize*, of some in the *Exchequer*.

In the *Vicount* were only *Holden Simple Pleas*, and the *amends* of *Defaults* in the *Affize*, and such *Pleas* as ought to have the term of fifteen days; that is, were holden from fifteen to fifteen days. And such as were holden in this *Court*, were called *Pleas Vicountel*.

Every great *Plaint*, as *Breach* of the *Peace*, *Cases Criminal*, *Cases* touching *Noble Fees*, and all the like great *Pleas* could not be determined but in the *Affize*, in the *Exchequer*, or before the *Prince* where the *Determination* was *Recorded*. And for this reason these *Courts* were furnished with more *Sage men* than others, that the *Pleas* might be more discreetly determined.

The *Exchequer* was an *Assembly* of *high* or *Superior Justiciers*, to whom it belonged to amend the *Judgments* of the *Bayliffs* and *lesser Justiciers*, and to correct their *Errors*, to render right to every man, without delay, as from the mouth of the *Prince* to preserve his *Rights*, and to recall such things which had been *evilly* and *fraudulently* granted away, or put out of his hands, and to observe every where, as with the Eyes of the *Prince*, those things which appertained to his *Dignity* and *Honor*.

The ordinary way was, that the *Vicount* corrected the ill *Judgments* and *Errors* of the *base Justiciers* under him, and the *Bayliff* those of the *Vicount*, and the *Exchequer* those of the *Bayliff*.

A *Plaint* or *Clamor* is, when any one shews by *complaint* to the *Justiciers*, the *wrong* that is done him, who have power to receive them, and to take *Pledges* of the *Complainants* that they will prosecute them.

The *Plaintiff* thus bound, if he appeared not in *Court* at the day appointed him, and if his *Adversary* then appeared, he had leave to go without day, if the *Suit* were concerning a *Lay-Fee*, and the *view* were made, and the *Plaintiff* pursued not his *Claim*, but made *Default*, he was not to be heard any more in that *Matter*: And if the *Defendant* made *Default*, in that *Case* he ought to lose the *Seisin* of the *Fee* which was *shewn* or *viewed*.

Witnesses

Ibidem,
Plaints
Criminal.Plaints in the
Vicount, Affize,
Exchequer.What Pleas in
the Vicount.

Pleas Vicountel

Ib. & Gloss. K.
What Pleas in
the Affize and
Exchequer.C. 56.
What the Nor-
man Exche-
quer was.Ib. In the Gloss.
The Office of
Bayliff and Vi-
count.C. 57.
A Plaint or
Clamor what i
Plaintiff bound
to prosecute.

C. 58.

To go without
Day what i
To lose by De-
fault.

C. 61.
Glanv. l. 1. c. 3.
Witnesses, &c.

Witnesses swear to what they heard and saw, and were ready to do as the Court should award; no man to witness in his own Case, nor his *Hair* for him, nor any Partakers in the *Plaint* or *Relations*.

C. 62, 64, 65.
Pleas, Con-
tents, Attorneys

There were *Pledeurs, Conteurs, and Attorneys* that pleaded and managed Cases in *Normandy*; to these are answerable our *Serjeants, Barristers and Attorneys*.

C. 66.
View before
Trial.
Land demanded
by Battle or
Writ of Right,
Knights, &c.
made the view.

There were also *views* of several things required before *Trial, view* of the *Fee, view* of the *Sick person, view* of the *Mischief* done, *view* of the *person slain, view* of the *desfoured Virgin, &c.* The *view* of the *Fee* or *Land* in question, when it was demanded by *Battel*, or a *Writ of Right*, and generally in all *Pleas* or *Controversies* concerning the *Inheritance*, was made by *four Knights*, and *twelve lawful men*.

Novel Dis-
fessin, view made
by Knights.
Langnor, view
made by Knights
* Glanv. lib. 1.
c. 19.
The same here.

In *Novelle Disfessins* and all *Plaints* brought after the manner of *Novel Disfessin* which were for Possessions; the *view* might be made by *twelve lawful men* without *Knights*, but it were better if *Knights* were there, if they might easily be had: The *view* of *Langnor* or *Sickness* was made by * *four Knights*. The *view* of *Murder, Homicide, Mayheme*, or *wounds* inflicted by force, was made after the same manner: The *view* of a *Virgin desfoured*, was made by *seven Matrons* of good Credit.

C. 67.
C. 51. Tit. de
Querelles.

Pleas or *Plaints* some are personal, some real; personal either by *Deeds* or *Words*; by *Deeds*, as by *Battery*, or *Wounds*.

C. 68.
Glanv. l. 1. c. 3.
Murder, Battel.

In *Suit of Murder* R. complains of T. that he *Feloniously* murdered his *Father*, being in the *peace* of God, and the *Duke*, and that he was ready to prove it, &c. If T. denies it word for word, and offers *gage* to defend himself, then the *Battel* was arrayed, as in this Chapter is further described; but if there were none to make *Suit* or *Clamor* of *Murder* against a *suspected Person*, accused by *common fame*, the *Justice* might put him in *Prison*, and examine him before *four Knights*, and might cause a *Jury* of four and twenty of the most *discreet* and *lawful men* that could be found in or about the place where the *Murder* was committed, which were supposed best to know the *truth* of the *Case*, and how it was done, and by these to try him; he had his *challenge* allowed to any of them, but what *twenty* of them said, was to remain good without *contradiction*.

Four Knights,
12 lawful men.

C. 70.
Appeal of
Murder.

Of *Murder* and *Homicide*, the next of *Kin* might have the *Suit*, &c. if the next of *Kin* were not of *Age*, then the next of *Kin* to him, that was so.

C. 71, 72, 73.
74, 75.
Glanv. lib. 1.
c. 41, 51, 6.

Appeals or *Suits* of *Robbery*, of breach of the *Peace*, when a man had given *Security* in *Court* of his *peaceable behaviour* toward another; of *Treason*, of *Mayheme*, of *Assault*, *Rape*, *Burning*, &c.

C. 69.
Jurors were.
Glanv. l. 1. c. 17.
The nearest and
best men such as
knew the matter
in question.

Jurors were bound to speak the *truth* concerning the *Plaints*, and therefore were to consider all *Circumstances* relating to them; they were to be of the *nearest* and *best* men, which were supposed to know the *thing* in *Controversie*; those which were not such, or did not know or understand the matter in *Controversie* were not admitted.

It

It was *Vacation* all those times, in which *Marriages* ought not to be solemnized, upon all *Solemn Feasts* and *Fasts*, and the *four Solemn* times.

C. 80, 81.
See Weilm.
lib. c. 11.

The *Law of Sanctuary* was in *Normandy*.

C. 83, 82.
Law of Sanctu-
ary.

No *Clerk, Ecclesiastical Person*, or *Religious*, was to be taken or arrested; and if he were, was to be restored to the *Church* if demanded, and if convicted in *Ecclesiastical Court*, was to be degraded, and deposed from the *Privilege* of a *Clerk*. Such *Persons* were exempt from sole jurisdiction of a *Lay-Court*, unless in such matters as concerned a *Lay-Fee*.

C. 83, 83.
Clerk, &c. ex-
empt from Lay-
Court, except,
&c.

Simple Plaint personal was so called, because determined by *Simple Law*, which was called *Defrene*, which was a *Purgation* of the *Defendant*, by his own *Oath*, and by the *Oaths* of his *Coadjutors*. This *Plaint* was either of *Words* or *Deeds*, of *Deeds* as when one complained that another struck him, and had his *Witness* ready that said it was true, that he saw and heard it, and was ready to do according to the award of the *Court*, without which last words his *Testimony* to the award of the *Court*, had been *invalid*; for 'twas not enough to say he saw and heard it, but he must also offer himself to the award of the *Court*; from which *Accusation* the *Defendant* purged himself, by swearing that he did not strike him, and that his *Witness* neither saw nor heard it; and his *Coadjutors* swore also that he swore a true *Oath*. *Defrene* in *Latin* is called *Deraisnia*, and perhaps is the same with *Dirationatio* in the old *Historians*; in the *Canon Law* it is called *Purgation* or *Canonical Purgation*, and with us *wager of Law*; as also here, *Se cil qui est querelencet de la Loy que il a gaigee il doit amender le misfait à celui à qui il le fist & à la Court*: C. 85. If the *Querelenc* or *Defendant* fails in the *Law* he hath *waged*, &c. when the *Coadjutors* had sworn, the accused *Person* was freed, and the *Accuser* was in *Amends*. See in this Chapter toward the end the difference of the *Amends* to *common Persons*, and to *Knights* and *Souldiers*, who are called *Authentick Persons*. The *Amends* was as much to the *Lord*, in whose *Court* it was tried, as to the injured *Person*, and more to the *Duke*, or at the discretion of the *Judge*, according to the worth of the *Person*, and *Merits* of the *Cause*.

C. 85, 86, 113.
Simple Plaint,
Defrene.

Purgation by
Oath, or Canon-
ical Purgation.

Wager of Law.

Personal Plaints that arise from *words*, were the same we call *Actions* of *Defamation*.

C. 86.
Actions of De-
famation.

Pleas or *Plaints* concerning *Possession*, (*possessory Actions*) with us were either for *Moveables*, which they called *Chartels*, as *Horses*, *Cows*, *Gold*, *Silver*; or *Immoveables*, as *Land*, *Meddow*, *Pasture*, and all *Possessions* inherent to the *Land*, which they called *Fees*. Their *Possessory Actions* were called *Simple*, when terminated by *Simple Law*, apparent when judged by *Law apparent*, that is by *Duel*, or by *Inquisition* of *Country*, which they call *Recognition*.

C. 87.
All Pleas of
Moveables ex-
ceeding 20 s.
were tried by
Law apparent.
Ibidem.

Pleas of *Debts*, *Debtors*, and *Suerties*, and of *Contracts*, *Covenant*, and *Bargains*.

C. 88, 89, 90,
91.

Pleas

Z

C. 95.
Feodal Plaints.
Jury of twelve
Knights, &c.

Inquests,
Recognitions.

C. 95.
Glanv. l. 1. c. 2.
The same Writ.

C. 95.
Tit. veng.
By Justice here
is meant the
Sergeant.
Views how taken.
* Bracton. l. 4.
c. 16. n. 4.
Upon View the
Land was taken
into the hand of
the Duke, and
was restored un-
til the Pleasend-
ed.

C. 95.
* Bracton. l. 4.
c. 18. 19.
The same me-
thod there in
Normandy.

The French
word Record
used here signi-
fies Witness.
Disseisin.

Pleas Feodal are determined, some by *Defrene* or *Simple Law* concerning Moveables Feodal; and others by *Engnest*, which is a Recognition of the truth of the thing in Controversie, by the Oath of *twelve Knights*, or *twelve other discreet, honest; credible Persons*, no ways suspected. The *matter* of all *Inquests* was contained in the *Writ* or *Brief*, and those *Inquests* that proceed by brief, are called *Recognitions*.

There was one *Brief* or *Writ* of *Novel Disseisin*; another of *Mort D'ancestor*; another of *Eschaet*; another of *Marriage Encombre*; another of *Dowres*; another of *Presentment* to a *Church*; another of *Fee and Gage*, (i. e.) to inquire whether it were a *Fee* or *Mortgage* redeemable by the *Heir* in the *Tenents* hands; another *De Feodo & firma* (i. e.) to inquire whether it were a *Fee* or a *Farm*, for years in the *Possessors* hands, and who was the next *Heir* of him that let it to *Farm*; another *de Establiâ to establiß Right*, or of right as we call it; another of *Sur-demand*, when the *Lord* demanded more *Rent* and *Services* than was due; another of *Lay-Fee* and *Franc Almoign*; another of *Linage denied*; another of *Heritage*.

View is when the *Plaintiff* shews before the *Justice* and *legal men* the thing which he demands, and 'tis to be made at a certain place, day, and hour assigned by the *Serjeant*, (who is here intended by the *Justice*) the *Viewers* being assembled, the *Serjeant* is to recite the *matter* of the *Plaint* contained in the *Writ*, or cause it to be read, and then the * *Plaintiff* is to shew what he demands with the *bounds* in length and breadth, or as we the *Buts* and *bounds*. At the time of the *View*, the thing shewn ought to be taken into the hand or *Possession* of the *Prince*, nor was it to be restored until the *Plea* was ended; and this was the meaning of those words in the *Writ*, *Ut terra sit in pace*. When the thing was thus shewn, the *Serjeant* commanded the *Possessor* to release the *Plaintiff*, according as it was contained in the *Writ*, and whatsoever ensued, whether he did, or did not, he assigned to both Parties a day at the *Affizes*; and if the *Possessor* did not yield the thing demanded at the *View*, and did yield it afterward at the *Affizes*, though he never meddled with it, yet he was bound to amends, that is, to *fine* to the *Duke* or *Court*.

After the *View* made, and the *Recognition* was adjourned to the *Affizes*, the * *Writ* was there read in the presence of both Parties, and the *Bayliff* or his *Deputy* that held the *Affizes*, demanded of the *Plaintiff* if he would pursue his *Brief*, if he said no, he was punished for *faulse Claim* or *Clamour*; and so it was if he said he did not know whether he should or not; if he said he was ready to *prosecute*, then the *Defendant* or *Possessor* was asked whether he would stand by the *Writ* as it was read; if he said neither the *View* nor *Recognition* were made according to the words of the *Writ*, his answer was to be tried by the *Record*, or witness of two of the *View*. If he would not stand by the *Writ*, and be found culpable in any thing in the Controversie of the *Disseisin*, he was to amend, or *fine* to the *Prince*, and pay *Damages* to the *Plaintiff*, as they should be declared by the *Jury*, and the *Saisin* was to remain to the *Plaintiff* also, as it had been acknowledged to belong to him by the *Jurors*.

If the *Defendant* or *Tenant* said he would stand to the *Writ*, then the men were called before the Parties, every one by his name to make Oath, and their Names were entered in the *Register* of *Affize*, and the Parties might *challenge* or except against such as they had right reason for to do it. After the *Jurors* were sworn, * no man was to speak to them publicly or privately, except the *Bayliff* who commanded them to speak the truth in this form. By the *Faith* and *Belief* you have in our *Saviour Jesus Christ*, &c. do you know the *Plaintiff* was possessed of, or had the *Saisin* of the *Land*, which was shewn you before such a time (the time suppose of the *Disseisin*) and how and in what manner he had it; and that since that time the *Defendant* did *disseise* him and how. Then the *Jurors* went out to consider and advise, and were kept under *strict guard*, lest the *truth* might be corrupted by *evil persuasion*.

When they had advised, they returned again before the *Bayliff* in the *Affize*, and if they were all agreed, one answered for the rest, if they *disagreed*, every one then might give his *Answer*. If they said the *Plaintiff* had the *Saisin* Feodal, as he affirmed, and that the *Defendant* had *disseised* him, the *Saisin* was restored to him, and the *Defendant* fined or amended, and then there was an *Inquiry* made, what *Damages* the *Plaintiff* had sustained by the *Disseisin*.

If the *Jurors* said the *Plaintiff* was not *saised* in the *Fee*, but held *Land* for *Debt* or by *Mortgage*, or by *Rent*, or for any other such reason, and would not part with it though the term was out, then the *Defendant* remained in *Saisin*, and the *Plaintiff* amended or fined; if the *Jurors* knew not the term, the *Plaintiff*, if he would, might prove it.

In *Pleas* of *Novel Disseisin*, the manner of *Saisin* ought to be regarded above all things, and how it was obtained, for all *Saisin*, ought not to be restored to him that required it. If any one of his own accord, or by Sentence, gave another the *Saisin* that he hath, if he requires it afterward, he shall not have it; if any one required the *Saisin* where he entered by force, or which he had received from one that had nothing in the thing to give him, such *Saisin* was not to be confirmed to him, or allowed, for all *Saisin* which was either by force or stealth and fraud, was detestable.

The *Writ* of *Novel Disseisin* was in this form; *Commande à R. que a droit & Sans delay il resaisisse, T. du une Terre qui est Affise en le paroisse de Marbenfe dont il a disseisy a tort & sans Judgement depuis le denier Aoust devant Cestuy & se il ne le fait. Semond le recognoisse sans du voisine quel soit an premieres Affises de la Baillie, & fay dedens ce veoir la Terre & estre la chose in paix.* Command R. that justly and without delay he doth release T. of certain Lands in the Parish of Marbenf, of which he hath disseised him unjustly, and without Judgment, since the last of August before this, and if he doth not, Summon a Recognition of the *Vicinage* to be at the next *Affizes* of the *Bayliff*, and the mean while cause the *Land* to be viewed, and to be in peace.

C. 95.
Bracton. lib. 4.
c. 19. n. 2.

* Ibidem n. 3.
Jury goons and
are shut up.

C. 95.
They return one
answer for all,
&c.

Inquiry of
Damages.

C. 95.

C. 95.
Novel Disse-
sin.

C. 95.
Writ of Novel
Disseisin.
Bracton. lib. 4.
c. 16. n. 2, 3, 4.
So all our Writs
run, that the
Viewers be at
the next Affizes.

There was also
a time limited
in our writs of
Novel Disseisin.

This

Writ directed
to the Serjeant
of the Bayliwick.

This Writ was directed to the *Serjeant* of the *Bayliwick* or his *Deputy*, and when he received it, he appointed a day to the *Plaintiff* to hold the *View*, and summoned the *Defendant* to be present if he would, and twenty men the nearest to the *Land*, the most credible such as were not suspected by, or a kin to one party or the other, and were to be such as were believed to know the *truth* of the *Plea*, and before them the *Land* was to be taken into the hand of the *Prince*, whether the *Defendant* came or not; nor was it to be put out of the *Princes* hands, until the *Plea* was ended, and if either of them meddled with it, his *Body* was to be imprisoned, until he had satisfied for his mis-doings.

Glanv. lib. 12.
c. 1, c. 6.
Many sorts of
Disseisins.

There were many *Disseisins*, some of *Lands*, others of *Herbages*, others of *Rents*, others of *servile Works*, others of *Franchises*, others of *Services*, in all which the *Writs* were framed according to the divers *Terms* and *times* of *Performance* or *Payment*, from and upon which the *Pleas* were always laid.

C. 97.
Default
Pleas for not
bringing it, &c.

If the *Plaintiff* made *Default*, the *Defendant* went without delay, and if he would renew his *Plea*, he was also to renew his *Summons*; the *Plaintiff* might also for ever lose his *Plea*, if he slipt the time limited for bringing of it, which was within a year and a day.

C. 98.
Writ of Mort
D'aucceller.

The *Writ de Morte Antecessoris*, of the death of the *Parent* or next *Predecessor* in *Blood*, was in this Form. Se A. donne plege de suvoir sa Clameur, semond le reconnoissant du voisin quil soit aux primeres Affises du Bailliage a reconnoistre savoir se B. estoit saisi en cest An, quand il mourut de la Terre que C. lui desforce a Rouen & comment, & scavoir se A. est le plus prochain hoir avoir lescheance de B. la Terre soit dedens ce veue, & soit en paix. If A. give Pledges that he will prosecute his *Clamor*, *Claim* or *Suit*, Summon a *Recognition* of the *Vicinage* to be at the next *Affizes* of the *Bayliage*, to know whether B. was seized that year he died of the *Land* which C. dispossessed him of at *Rouen*, and how: And to know if A. be the next *Heir* to have the *Escheat* or *Succession* of the *Land*, in the mean while let it be viewed, and be in peace.

A Recognition
of the Vicinage.

Ibidem.
The Writ directed
to the Serjeant
of the Bayliwick.
To be brought
within a year
and a day, &c.

This *Writ* was directed to the *Serjeant* of the *Bayliwick*, and the further Proceedings were the same as in a *Plea* of *Novel Disseisin*. No man that was of *Age* and *Discretion*, according to the *Custom* of *Normandy*, could have a *Recognition* in this *Plea*, unless he brought the *Writ* within a year and a day after it was publickly known his *Ancestor* was dead, whose *Saisin* or *Possession* he would recover, but no time prejudiced a *Minor*.

Ibidem.
Next Heir.

This *Recognition* appertained only to the very next *Heirs*, who had the *Dignity* of *Primogeniture*, either in themselves, or by their *Antecessors*.

C. 99.
Who were next
Heirs.

The *Nextness* of *Heirs*, which was to have the *Saisin*, was thus, the eldest Son was the next *Heir* of his *Father*, and those which descended from him; and when this *Line* failed, the *second Line* was the next, and so it was intended of other *Lines*, were they *Male* or *Female*, while any of the first *Line* were left, none of any other *Line* could have the *Saisin* of his *Antecessor*.

Concerning

Concerning *Dower*, according to the *Custom* of *Normandy*, the *Wife* had the third part of the *Fee* her *Husband* was possessed of at the time of the *Espousals* or *Contract* of *Marriage*; or if he was not then possessed of an *Estate*, or died before he was, his *Father* or *Grandfather* possessing the *Fee*, if they were present at the *Marriage*, or procured or assented to it, after their, and her *Husbands* death, if he was sole *Heir*, she had the *Thirds* of that *Fee*, if not, of so much of the *Fee* as fell to his share; and no man could give more than a third of his *Estate* in *Dower*. If a man purchased an *Estate* after *Marriage*, a *Wife* could claim nothing in it, unless it were *Bourgage Tenure*, and then she had the *Moiety*. If a man had taken a *Woman* (so are the *French* words) and died before they lay together in the same *Bed*, the *Woman* had no *Dower*: For by the *Custom* of *Normandy*, their bedding after *Marriage* gained the *Woman* her *Dower*.

C. 101, 173.
Dower.
Glanv. lib. 6.
c. 1, 2, &c.
The Wife had
the third part of
the Fee of her
Husband.

In Bourgage Tenure the Moiety.

Ib. C. 101.

A *Woman* might demand her *Dower* against such as withheld it, two manner of ways, by *Writ*, or *Record*. By *Writ*, as in the Chapter of *View* and *Plea* of *Novel Disseisin*. By *Record* or *Witness* of such as were at the *Espousals* or making the *Contract* of *Marriage*, where the *Dower* was determined either in *Chattels* or *Land*. Record est racontement de chose qui a est fait. Record is a calling to mind or recounting things that have been done. Il ya Record de Court de Roy, &c. There was a *Record* of the *Kings* or *Dukes Court*, which was all one; A *Record* of the *Exchequer*; a *Record* of *Affize*; a *Record* of *Duel*; a *Record* of *View*; a *Record* of *Pasnage*; a *Record* of *Marriage*, &c.

Record, what?

All these *Records* were made by *Witnesses* in the several *Courts* and *Places*, where and before whom the things were transacted, these were called *Recordatores* from remembering things done in *Court*; Promises, Bargains, Contracts, &c. and when there was a *Plea* of *Record* brought, the *Plaintiff* in writing named his *Recorders*, *Recordatores*, *Recorders* or *Witnesses*, in some *Cases* six or seven, in some twelve, in some more, in some less, and if the *Recorders* were dead, or gone out of the *Duchy*, then the same *Plea* was tried by *Inquest* of the *Vicinage*, as well as it might: See C. 102, 103, 104, 105.

C. 108. Cum Gloss de celui qui demande Record, &c. c. 121. de loy qui est fait par Recorders.

When the *Propriety* of a thing was demanded, four *Knights*, and eight legal men, with the *Serjeant*, were *Recorders*, but in a *View* of *Possession*, where the *Seisin* was only demanded, there twelve discreet or lawful men, and the *Serjeant*, were sufficient.

C. 106. Tit. de Record de veue.

In the *View* of *Languor* the four *Knights* sent to the *Person*, are called *Recorders*, and that called *Record de veue de Corps languoreux*.

C. 121.

The right of *Patronage* of *Churches*, and who last presented, was decided by *Recognition*, as other *Proprieties* and *Possessions*. The *Church* was taken into the *Dukes* hands, and the *Bishop* prohibited to present during the *Plea*, or the *Ecclesiastick Courts* to meddle with it. Yet if the *Patron* presented not in six months, the *Bishop* of the *Diocess* presented. The *Writs* I omit being near the same with those in *Glanvil*.

Affize d'arreain Preissement.
C. 109.
Glanv. lib. 2.
c. 45, 13. lib. 14.
c. 19.

The Writs in this Plea the same with those in Glanvil.

The

C. 113. Tit. de Brief de establie. *Tu was as our Writ of Right.*

The Duke of Normandy had the Jurisdiction of the Bodies, as well of the great as of the small, because bound to him by Fealty and Allegiance, and willing to restrain the Malice of the mighty and puissant, he established two Laws by the Council of his Prelates and Barons. L'un qui est appelle establie & L'autre reconnoissant de sur demand, & Corant per Brief, &c. the one is called Establie, the other Recognition of Surdemand, and they proceeded by Writ, &c. by these Writs inquiry was made concerning the Propriety of the Fee, and to whom it belonged, both these together made up a Writ of Right.

Ibidem. Glan. l. 1. c. 15. Writ of Right.

The Writ d'establie was in these words, A. se plaint de B. qui lui demand a tort une Terre a Roven de quoy il demand l'establie au Duc de Normandie par reconnoistre le Sçavoir se quil y a greigneur droit, celui qui tient, ou celui qui demande. A complains of B that he unjustly exacts of him certain Lands at Roven, for which he demands the Duke of Normandy's Writ D'establie, to know by Recognition whether he hath greater right that holds it, than he that exacts it. The Serjeant of the Bayliwick was to see to the Execution of this Writ, as to that of Novel-Disseisin, the Land was to be viewed, but before that, he was to take Pledges for the Prosecution of it, and then the men to make the View, were to be summoned, and if in the Vicinage neither Knights nor Gentlemen sufficient were to be found, the Inquest was to proceed by other men of good Name, or good renown, according to the French words. The Vicinage was accounted a League from the Place, and is commonly called in this Custom the Ban Lien, and the Recognitors were to be summoned out of the Parish where the Land was, or the Parishes adjoining, within a League of it.

So our Sheriffs were to take Pledges. If neither Knights nor Gentlemen in the Vicinage, then the View was to be made by men of good names.

C. 114. Tit. Brief de surdemand. Glan. l. 1. c. 13. * In the French Copy there wants couper or some other word.

The Writ of surdemand was to defend the Rights of the Tenants against the Lords of Fees, when they unjustly demanded such Rents and Services as were not due, whereof this is the Tenor. A. Plaint qui B. lui Demand a tort Service de fief & * les Gerbes par raison de son fief, purquoy il demande l'establie au Duc assavoir qui a greigneur droit, celui qui demande par raison de son fief, ou le Tenent qui le desforce, & pour ce se il le donne plege de pour suyr son Brief semond le reconnoissant du voisin qui soit an premieres Assizes du Bailliage pour dire de ce la verite. A complains of B. that he doth unjustly exact Service of his Fee, (i. e.) the cutting of his Corn by reason of the Fee he holds of him, wherefore he desires L'establie of the Duke, to know whether hath greater right, he that exacts by reason of his Fee, or the Tenent which desforceth or denieth the Service; wherefore if he give pledge of pursuing his Writ, summon a Recognition of the Vicinage, to beat the first Assizes of the Bailliage, to speak the truth in this matter. Note that what we call Vereditum, is always in this old Custom called only Dictum.

Dictum for Vereditum.

C. 115. Tit. de fief-lay & Demouise, with au assise utrum Glanv. lib. 13. c. 13. Sçavoir ce or lo signifies utrum in the old Custom. Facit se secum in our old writs.

There was used in Normandy a Writ of Lay-Fee and Almes, by which the Fee was tryed whether it was Lay or Almes, when it was doubtful, in this Form: Se A. se donne plege de suyr sa clameur semond le reconnoissant du voisin qui il soit aux premieres Assizes du Bailliage a reconnoistre sçavoir se le fief que B. demand, est temsue a celui qui le tient ou le fief Lay a celui que demand, le venue soit tenue dedens ce, &c. If A. gives Pledges to pursue his Claim, summon a Recognition of the Vicinage to be at the first Assizes of the Bayliwick,

to

to discover whether the Fee which B. demands, be Almes to him that holds it, or Lay-Fee to him that exacts it. Let there be a View taken of it, &c. no man in Normandy could make a Lay-Fee pure Almes, without the Grant and special Assent of the Prince, for he had the Jurisdiction and Seignury of all the Lay-Fees in Normandy. If the Jury was brought to a rien Sçavoir, non sçire or Ignoramus; then the Church had cognisance of the Plea.

'Tis said in this Chapter it was a Custom in Normandy long ago, that if a Man married a Woman, and had a Child by her born alive, if both she and the Child died, he should hold all the Land that came by his Wife during Life. The Glosse says, that if his Wife were with Child by him, though born dead, yet the Husband should enjoy the Estate, for that it was not his fault that the Child died, or no defect in him, that it was not preserved.

C. 119. Courtesie of England.

Defrene or Disfrainia or Law-Simple was always amongst Equals, and men of the same condition, and it was a Law in Normandy, by which a man that was impleaded in a simple Plea, made it appear that he did not or was not guilty of what his Adversary charged him with, which was performed by his own Oath, and the Oaths of two others at least. A man lends another five Shillings, who promiseth to pay it at Easter, if he denies it, the Law is to be waged, that is, the Debtor is to swear he owes no such sum, and others are to swear with him they believe his Oath to be true.

C. 113. c. 85, 86. Glanv. l. 8. c. 9. Defrene wager of Law The Case put in the old Custom. La loye doit estre Gaigee.

Whoever hath read our old Law, knows it to be the same with this, allowing some, not many, or very great Variations, and therefore needles to add any abstract of that by way of Parallel. But I must desire the Reader to note, that from the time wherein Glanville wrote, which was in the Reign of Henry the Second, to the time of Henry de Bracton, who was a Judge in the Reign of Henry the Third, the Subtilties and Niceties of our Antient Law were so much increased and multiplied, that it became very bulky and dilatory, as well as perplex'd and intricate.

Amongst others we find in the old Norman Law, our Writ of Right, or Grand Assize, the four Writs of ordinary Affizes, that is of Novel-Disseisin, Mort D'ancestor, D'arrein Presentment, & Utrum.

By the manner of Tryal both in England and Normandy, after the View taken, and by the Judges in both places, expounding the Writ to the Parties in Court, and interrogating them by it, 'tis more than probable there were then no Declarations, and that the Writ was both Precept and Declaration, according to * Bracton, dicitur adeo Breve, quia rem de qua agitur, & intentionem petentis paucis verbis breviter enarrat. It is therefore called a Brief, (which we call a Writ) because briefly and in few words, it declares the matter in

d.

(4) So called for that the time in these Writs was limited within, and from which the Action was to be brought; so * Glanvill. Cum quis itaque infra Assizem Domini Regis, id est infra Tempus a Domino Rege de consilio Procerum ad hoc constitutum, quod quandoque majus, quandoque minus censetur, alium injuste & sine iudicio disseisuerit de libero Tenemento suo Disseisus huius Constitutionis beneficio subvenitur & Tale Breve habebit.

* Lib. 13. c. 32. See also Cl. 1. Henr. 3. m. 17. dors, where the times are limited for bringing Actions by these Writs.

debate,

debate, and the mind of the Plaintiff, upon which followed Pleading in Court, and giving in the special matter in Evidence; one example will make this very clear.

Mat. Paris
f. 338. n. 10, 20.

Henricus Dei gratia Rex Anglie, &c. Vicecomiti Hertfordie salutem, Si Abbas de S. Albano fecerit te securum de Clamio suo prosequendo, tunc submone per bonos submonitores Galfridum de Childewick, Galfrum Galichum, Johannem, & Ricardum filios ejus, Willielmum de Gorham, Thomam de Wanz, Walterum, & Henricum filios ejus, Adam de Sumery, David de Garpenvilla quod sint coram Justiciariis ad primam Assizam cum in partes illas venerint, offensuri quare fugaverunt & Lepores ceperunt in liberâ Warrenâ suâ de Sancto Albano sine licentiâ suâ; & habeas submonitores & hoc Breve. Teste meipso apud Westmonasterium vigesimo sexto die Junii, Anno Regni nostri vigesimo quarto.

And that the Juries summoned by these Writs, were Persons of the same Quality and Degree in England and Normandy, the following Instances will make it most apparent.

In a Plea concerning *Duel* between *Warin de Semperston*, and the Prior of *Coventry*, for eight Carucates of Land in *Pakinton*: *Milites qui ferebant Recordum Duelli, dicunt quod Warinus tulit Breve de recto in comitatu versus Priorem, &c. & Prior venit & defendit jus Warini; Warinus vero obtulit vers. Priorem, quod Walterus Grossus Avus ejusdem Warini fuisse fuit de illis viii. Caracutis cum pertinentiis Tempore Henrici Patris, &c. ut de jure & hereditate, &c. Prior defendit, &c. per quemdam liberum hominem & vadia data fuerunt ex utraque parte, &c. Rot. 24. out of an * Abstract of Pleas, from the First to the Fifteenth of King John, amongst Judge Hale's, * M. S. in *Lincoln-Inn Library*.*

The *Knights* which made, or had then the Possession of the Record of *Duel*, that is, such as were *Jurors* in the *Assize* by *Writ of Right*, say, that *Warin* brought a *Writ of Right* in the County against the *Prior, &c.* the *Prior* comes or appears, and denies the *Right of Warin*, and he offered to prove it against the *Prior*, that *Walter Gross* the Grandfather of *Warin*, was seized of those eight Carucates, with the Appurtenances in the time of *Henry the Father of King John*, as of his *Right and Inheritance*. The *Prior* denies it by a certain Free-man, (a Champion that he brought, who denied *Warin's Plea*, and swore as he had heard or seen it was not true) and *Pledges* were given, or the *Duel* was waged on both sides.

To make this more clear, I will bring an Instance of an *Assize of Novel-Disseisin*. *Adam de Cherwind, Petrus de Eiton, Hamo de Puelektion, Adam de Alarton, Philippus de Buteriâ, Walterus de Elpole, Paganus de Cheriton, qui fuerunt Recognitores Assize Nova Disseisine, inter Walterum de Whitfield, & Robertum de Huntingland, de Terra de Chershal summoniti fuerunt ad ostendendâ quomodo Assiza ista capta fuit, &c. Dicunt quod ipsi coram Roberto Whitefield, Radlo Archidiacono Hereford, Roberto de Salopesberie, nunc Episcopo de Bangor, &c. tunc Justiciariis. Juratam fecerunt de Assiza Nova Disseisin, quam tulit Robertus de Huntingland vers. Robertum de Woodcote, de Terra de Chershal, de qua Robertus de Woodcote cum dis-*

1 do. Johan.
fol. 14. 2.

* Class. 3.
Book 6.

Placitade Termino Pasche, & Trin. An. Reg. Johannis 1. Ibid. fol. 6. B.

seizet. Ita quod Idem Robertus remansit in misericordia pro Disseisin, Rot. 20.

Adam de Cherwind, Peter de Eiton, &c. which were Recognitors of an *Assize of Novel Disseisin*, between *Walter de Whitfield* and *Robert de Huntingland*, for the Land at *Chershal*, were summoned to shew how that *Assize* was taken; do say, that they before *Robert Whitefield*, *Ralph Archdeacon of Hereford*, and *Robert of Shrewsbury* Bishop of *Bangor, &c.* then Justices made a Jury of *Assize of Novel Disseisin*, which *Robert de Huntingland* brought against *Robert de Woodcote*, concerning Land at *Chershal*, of which *Robert de Woodcote*, had disseised him, so that the same *Robert* remained in mercy, that is, was fined by the Justices of *Eyre*, or amerced by the Oaths of Lawful men for the *Disseisin*. These seven might be those, that before the *Assize* made the View of the Land in question, and might by their Names be Knights or Knights Fellows, for twelve or more might make it, but fewer than * seven could not.

Both these Pleas seem to be the same with Record of *Duel*, and Record of *Assize*, and the Jurors in both to be *Recordours, Recorders, or Witnesses* of what had been done in Court, as hath been shewed in the old *Norman Custom and Law, C. 101, 106, 108, 121.*

In a Plea of *Right*; *Milites Electi ad faciendam Assizam Magnam inter G. Episcopum Wintoniensem petent. & Nigellum de Broctement. &c.*

In a Plea whether the *Donation* of the *Priory of Thornholm* belonged to the *King* or *John Malherbe*. *Dominus Rex mandavit per Breve suum quod Dominus G. fil. Petr. per Chartas Canoniconum de Thornholm. Et per liberos & legales homines, diligenter inquireret, utrum prioratus de Thornholm de Donatione Domini Regis vel Johannis Malherbe debeat esse, Prior ergo venit & protulit chartam Regis Stephani, in qua continetur quod ipse pro anima Regis Henrici Avunculi sui, & pro statu anime sue dedit & concessit in perpetuum Elimosinam Deo & Ecclesie Sancte Marie & Canonici Regularibus locum suum in Bosco de Appely; & quicquid Comitissa Hathewisa & ceteri vicini eis dedebunt in Elimosinam, in terris, & pratis, & in omnibus aliis redditibus, & omnia sua ubicunque fuerint bene & precipit quod locum suum, & perpetuum sicut Elimosinam suam Dominicam. Milites vero * Electi ad faciendam illam Inquisitionem, sunt Herv. de Arci, Philippus de alta Ripa, Andreas de Wotton, Petrus de Beker- inge, Willielmus Hanpel, Rogerus Arfic, Herb. de Nevill, Rob. de Basingham, Richardus Ottringham, Willielmus fil. Drogonis, Willielmus de Grimesby, Eustachius de Ledenhanc, Willielmus de Baio-*

cis, Questi dicunt, &c.

From this Plea it may be noted, that *Knights* as well as ordinary Free-men or Free-holders were antiently intended by those words, *Liberi & Legales homines*, in the *Writs* directed to *Sheriffs* for summoning of *Juries*.

In a great *Assize* between *Mathew de Gurnay & Gilbertum Runhale, Rogerus de Ho, Umfr. de Miliers, Thomas filius Willielmi & Robertus Baynard, quatuor Milites summoniti ad Eligendum duodecim ad faciendam magnam Assizam inter Matheum de Gurnay peten. & Gilbertum Runhale tenen. &c. Rot. 10.*

In the same *Assize*, *Milites Electi ad faciendam magnam Assizam inter Gerardum de Rhodes & Robertum Marmium peten. & homines de Sancto Botulfo tenen. de Communia, &c. Rot. b.*

In an *Assize of Darrein Presentment*, *Milites qui fecerunt Inquisitionem*

* Bracton.
p. 179. b. n. 4.
Fleta, p. 222.
n. 4.

In the same MSS. Placita Term. Mich. 2. Johan. f. 8. b. Placita & Assize apud Lincoln, in Cro. octab. Sancte Trinitatis. Coram Simon, de Pareschut. Eustach. de Fauconburgh & sociis eorum 4. R. Joh. Ibid. fol. 26. b.

* See Glossar. in the words.

Norff. Placita de Temp. R. Richard primi Anno 7. In an Abjournment of Pleas and Plead. Temp. Ric. 1. In a Book with Parchment Covers, with the under Glamb. berlain of the Exchequer. Hale's MSS. before cited, fol. 68. a.

The Customs of Normandy not from Edward the Confessor.

the feudal and imperial Law) in his Preface to it, where he says from the History called *Chronica Chronicorum*, that our Edward the Confessor was the maker or giver of these Customs to Normandy. But let us observe the Authority of this Historian, for immediately after *Rovill* delivers from him for as great a truth, and to be believed upon the same Terms, that the Conqueror was not only Testamentary Heir, by Donation of Edward the Confessor, but also next Heir by blood to the Kingdom of England, by his Wife Maud, the Daughter of Baldwin Earl of Flanders and Niece of Edward the Confessor, which was never heard from any other Author, and therefore he may well be thought singular, in one as well as the other, nay idle, and not to be believed. And therefore all the Judges of Ireland passed by this Story, as a surmise only in their Argument, upon the case of Tenures, fol. 36.

But though Sir Edward lays a great stress upon this Author there, yet he himself is of another opinion in another [6.] place, viz. that the Conqueror found the Customs and Laws, contained in the *Grand Custom* here, and that from hence he carried them into Normandy. For says he there, if the Normans have any Laws that do resemble the Laws of England, out of doubt when the Conqueror had subdued this Kingdom, perceiving the equity and excellency of the Laws of England, never attempted [7.] to alter or change the same, but to the end his Country men the Normans, might know the Laws of England, under which from thenceforth he resolved they should live. And therefore for their benefit and safety, he caused some of the Laws and Ordinances of England to be written in the Norman Tongue; and afterwards seeing, and well perceiving the happy success where such Laws were observed, abolished his old Laws out of Normandy, and established part of our English Laws there. And it cannot be truly said that the [8.] English Laws are in the Norman Tongue, for the Laws of England are Leges non scriptæ, but divinely cast into the hearts of men, and built upon the immovable Rock of Reason.

This assertion is so groundless and precarious, it deserves no Confutation, it hath no Authority or Testimony, nor other reason than his own Fancy to support it: For it would have been a greater difficulty than the Conquest of England, to have imposed the English Laws upon so stubborn a People as the Normans were, especially at that time when the Conqueror had much to do to keep them in subjection; nay, Traditions, and the mutable and various Constructions of them in stead of a Law, if the Common Law of England, (as it is generally affirmed by the great men of the long robe) was *Lex non scripta*; especially by Sir John Davis in his Preface to his *Irish Reports*, where he contends and often avers, That the Common Law of England is *sus non scriptum*, and more excellent than our written Laws, namely Statutes or Acts of Parliament. Also that it is a peculiar invention of this Nation, and delivered over from Age to Age by Tradition, nay that it is a Tradition, and learned by Tradition, as well as by Books; which makes me wonder how the Normans learnt it so quickly, as to be Judges of it, and judge Causes by it immediately upon the Conquest, when 'tis probable they understood not the English Tongue; it may be it was divinely cast into their hearts, and they understood it by Revelation. But to return a little to the whimsey of *Rovill* in his Preface to the *Grand Custom*, no Body that considers, what [9.] *Malmibury* and other ancient Historians report

The English Law Lex non scripta. More excellent than Acts of Parliament, &c. And learnt by Tradition.

[9.] Lib. de Gell. Reg. f. 44. b. n. 20, 30, &c.

of the Confessor, that he was a weak easie man, not fit for Government, will ever believe he could contrive a System of Laws, and so adapt them to the Genius and Humour of the Normans, that they should quit their own, and receive new Laws and Customs from him, if it were not almost a Contradiction to call a Custom new. I need not say more to satisfy any judicious Person, that the *Grand Custom* of Normandy was the Law of that Country, and not made by Edward the Confessor, or carried over from hence by the Conqueror, and shall therefore leave it, with this farther Remark, That if any men be more affected with Traditional than written Laws, this Book hath that advantage likewise: For [1.] before and after that Charles the Simple gave Normandy to Rollo and his Northern People, unto the time of Philip [2.] the August, who caused them first to be put in order and written. The Customs contained in it, were a [3.] Canon, Traditional and unwritten, for at least 800 years, and were imposed upon his Subjects of England by William called the Conqueror: But what answer would Sir Edward have made, if he had been asked whether William did not also carry our Laws into old Germany, for there, in Normandy and England, were in a great measure the same Laws, only the Normans used a more formal, and perhaps rigorous and strict method in the Practice and Execution of them which they brought hither.

From these Observations concerning the Laws in use, at, and presently after the Conquest, I proceed to Authority, and undoubted Testimony of such as lived in or near those times, for without Authority some men will not be satisfied.

Edmer [4.] writes, that William designing to establish in England those Usages and Laws which his Ancestors and he observed in Normandy, made such Persons Bishops, Abbots, and other Principal men through the whole Nation, who could not be thought so unworthy, as to be guilty of any Reluctancy or Disobedience to them, knowing by whom and to what they were raised. All Divine and Humane things he ordered at his pleasure, and after the Historian hath recounted what things he disallowed the Authority of the Pope and Archbishop, he concludes thus, But what he did in Secular Matters, I forbear to write, because it is not my purpose, and also because any one may, from what hath been delivered in Divine Matters, easily guess what he did in Secular.

Somewhat also to this purpose *Inghulphus* [5.] informs us, that by hard Usage he made the English submit, that he gave the Earldoms, Baronies, Bishopricks, and Prelacies of the whole Nation to his Normans, and scarce permitted any English man to enjoy any place of Honor, Dominion, or Power.

But more express and full to this purpose is the account we have in [6.] *Gervasius Tilburienfis* of the Conqueror's dealing with the Nations, more valuable than the Testimony of a hundred others, which he thus delivers. After the Conquest of the Kingdom, and just subjection of Rebels, when the King himself and his great men had viewed and surveyed their new Acquests, there was a strict enquiry made, who there were, which fighting against the King, had saved themselves by flight. From these and the Heirs of such as were slain in fight, all hopes of possessing either Lands or Rents were cut off, for they esteemed it a great favor to have the benefit of their Lives. But such as were called and urged to fight against William, and did not, if

Edward the Confessor unfit to make Laws.

[1.] Grand Custom, 2d part, fol. 69.
[2.] Ibidem. A. D. 1203. or thereabouts.
[3.] Epistle to the Custom of Normandy, collected by George Lambert, &c. printed at Roven, 1588.

Proof from Authority, that our Laws were not the Norman Law.

[4.] Hist. Norm. fol. 6. n. 10, 20, 30.

[5.] Hist. Croyl. land, f. 112. a. b. All Earldoms, Places of Honor and Profits given to the Normans.

[6.] De Necessariis. Scaccarii. oberv. de Muro in M. S. Calo-Gonvil. p. 35. a. b.

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in process of time they could obtain the favor of their Lords and Masters, by an humble obedience, and obsequiousness, they might possess somewhat in their own Persons, without hope of Succession, their Children only enjoying it, afterward at the will of their Lords, to whom, afterwards when they became odious, they were every where forced from their Possessions, nor would any restore what they had taken away. When a commune miserable Complaint of the Natives came to the King, that they thus exposed, and spoiled of all things, should be compelled to pass into other Countries; at length after Consultation upon these things, it was Decreed, that what they could by their deserts and lawful bargain obtain from their Lords, they should hold by inviolable right, but should not claim any thing from the time the Nation was overcome, under the Title of Succession or Descent: * Upon what great Consideration this was done, it is manifest, when as they were obliged by a studied compliance and obedience, to purchase their Lord's favor; so therefore whatsoever of the conquered People possessed Lands or such like, obtained them not as seeming to be their right by Succession, but as a reward for their Merits, or by some intervening Agreement.

What I have here delivered upon this subject, may probably meet with great prejudice, from such especially, who have, or may read Sir Edward Coke's Prefaces to his third, sixth, eighth, and ninth parts of his Reports, his reading upon the Statute of Fines, or other parts of his Works: Sir John Davis his Preface to his *Irish Reports*; Sir Nathan Bacon's *Semper Idem*. The late Learned Lord Chancellors Survey of Hobbs his *Leviathan*, p. 109, 110. And many other works of eminent Persons of the long Robe, or indeed any of our *English* Historians, and therefore I am necessitated to dwell the longer upon it. That I may give all just satisfaction to such as desire to inquire into the validity of their Arguments and Authorities by which they would persuade, nay convince the World, that the Common Law, and Customs in use, and practice in their times, were the same that were in the Saxon times, and never altered or changed by the Conqueror.

And beyond them all, [7.] Sir Edward Coke concurs in opinion with Sir John Fortescue, that this Nation, in the time of the Romans, Saxons, Danes and Normans was ruled by the same Laws and Customs, and that they were not changed by any of these People; which he [8.] affirms he hath proved by many unanswerable Arguments, in the Preface to the third part of his Reports. These Arguments are drawn from two Heads, Record as he calls it, and History. But all the Record I find cited to that purpose in this Preface to the third part of his Reports, is a Writ of *Novel Disseisin*, out of Glanvil [9.] and Bracton in this form: *Rex Vicecomiti Salutem; Quastus est nobis A. quod B. injuste & sine iudicio disseisivit eum de libero Tenemento suo in E. &c. ideo tibi precipimus quod si pradietus A. fecerit te securum de clamore suo prosequendo, cum facias Tenementum illud rescire de Catallis que in ipso cap. fuer. & ipsum Tenementum cum Catallis esse in pace usque ad primam Assizam cum Iusticiarii in partes illas venerint, & interea facias 12. liberos & legales homines de viceneto illo videre tenementum illud, & nomina eorum imbrevari.*

From this Writ in Glanvil, who was made [1.] chief Justice of all England 1180. by King Henry the Second, one hundred and six years after the Conquest, he collects four things, (how I know not;) first that before the Conquest, time out of mind, there were Sheriffs in England,

Perhaps from hence might be the Original of Freeholds or Copyholds of inheritance after the Conquest. * Ibidem.

The Arguments used to prove the Common Law of England was not the Norman Law.

[7.] Epistle to the sixth part of his Reports.

[8.] In Preface to the eighth part of the Reports.

[9.] Lib. 13. c. 33. l. 4. c. 16. n. 2.

[1.] Hoved. fol. 342. b. n. 30. Preface to his third Book of Reports.

gland, which though I think is not to be collected from this Writ, is readily granted to him, there were such Officers, *Sciremen*, *Sciregereves*, or *Aldermans*, who had the government of the County, held Courts, and were Judges in them, yet perhaps not altogether the same with the Sheriffs in the Norman or our times. Secondly, That all that time there were Juries of twelve men; This also may be granted him, though I see not how it will be enforced from this Writ, nor proved any other way; for the twelve men or Jurors mentioned in the Saxon Laws were Assessors, and had their share in giving Judgment, as appears by the Text it self. Thirdly, That all that while there were original Writs, and Writs of *Assize*, which are the Rules and Principles of the Commune Law of England, and therefore that Law was before the Conquest, and received no Alteration or change from the Conqueror.

How this can follow any ways from the consideration of this Writ, it doth not appear to me. And further the very forms of most of our ancient Writs, are to be found in the *Grand Custom* of Normandy, as hath been shewn, which makes it very probable, that they were not used here until the Entry of the Normans: And with this accords Mr. Lambard in his [2.] *Archion*, where he says that the Saxons proceeding in Judgment, was *de Plano*, without Solemnity, and therefore so far as he could observe, they did not use to call the Parties by any Writ, or writing, but to send for them by certain Messengers, which they termed *Theles*, perhaps rather *Theons*, or *Thegens*, that is Ministers or Servants; and if it had been otherwise, that there had been the same Forms of Writs, and the same Formality in Law Proceedings before the Conquest as after, and at this day, they would have been found in Books somewhere reserved in one Monastery, or other, or they would have been delivered from one to another, and preserved by Tradition, as well as the very Commune Laws and Customs themselves, which were *jus non scriptum*, as all the Patrons of the Antiquity of our Law affirm. [3.]

And when that manner of Summoning by Writ was brought in here, yet was not the Sealing of them forthwith committed only to the Chancellor, for you may see in Glanvil's Book, that some original Writs of his time had this Form, * *Teste Ranulpho de Glanvilla*, who was then Chief Justice, under whose Sealing the Writs passed, which takes off and fully answers his fourth and last Observation or Consequence, he would draw from this Writ, which is, that before the Conquest there was a Court of Chancery, because in his time original Writs did all issue from thence, and from no other Court, and were sealed there. And further it appears, by what hath been said in the first part of the Saxon History, that in those times where the Law was too severe and rigorous, all Appellants from it for Equity, or where they had not Justice done them in their County Courts, found relief in the King's Court, which was the only Court of Appeal, according to the second of [4.] *Edgar's Laws*.

The rest of his Infalible Arguments in this Preface, are from Words and Phrases found in old Charters of Liberties, and the like pieces of Antiquity, as *Viccomes*, *Hundredus*, *Servitium Regis*, *Redditiones Socharum*, &c. from which he would infer the existence of the Commune Laws of England before the Conquest, as they were in his time, because then these words were also used in our Laws.

Twelve men mentioned in the Saxon Laws were Assessors.

The Forms of our ancient Writs in the Grand Custom of Normandy. [1.] P. 64. 65. The Saxons proceeding in Judgment, was de Plano without Writs, &c. Manito according to the Saxon way in Germany.

[3.] Ibidem.

* Glan l. i. c. 6. Writs sealed by the Chief Justice. See also Hoved. fol. 445. b. n. 10. For Writs in Grand Assize issued by the Justiciary.

[4.] Lamb. fol. 61. The Normans that wrote after the Conquest, called and expressed many of the Saxon Officers, and things by Norman names and words.

Particular

Particular Liberties not the Common Law of a Nation.

The Laws of Engl. proved from the Terms to be rather from the Normans than Saxons.

Norman Law Terms.

[5.] P. 104.

Particular Liberties and enjoyment of many Customs, there were certainly very many granted by our *Saxon* Kings, to many Persons and Places, and in some sort continued to them by the Conqueror, which yet were but Liberties particular, and not the Commune Law of the Nation, for had it been, they might of Commune Right have claimed it, without special Grant, seeing it was always the practice of all Nations, to allow the People the use and benefit of their clear and known Laws. And if there were any cogency from these Words and Terms used here in the Law both before and since the Conquest, to prove the Identity of it in those times, the Argument would be ten times more forcible, from such terms of the Law as were not found here before the Conquest, nor perhaps for some time after, to prove that our Law was the *Norman* Law; such as are Fee-simple, Fee-Farm, *Franc-Fee*, Grand and Petit Sergeanty, Escheage, Burgage, Villenage, Assize, Mort D'ancestor, Novel Disseisin, Court, Vice-Comes, Consuetudo, Custuma, and a great number more in the Book of Tenures and elsewhere obvious, which Mr. Somner [5.] says in his *Gavelkind*, and every one knows are all of the *Norman* Plantation, and we by the *Normans* brought acquainted with them; and indeed from them we had very near all our Law Terms, and words of Art in that Profession.

After Sir Edward Coke as he thought, had thus established his Opinion of the Antiquity of our Laws by Record, he renews his Discourse upon this Subject, in his Prefaces to his sixth, eighth, and ninth Parts of his Reports, but chiefly in the two last, and prosecutes his Arguments upon his second Topick from History, which shall be considered in the Answer to a Book Intituled *Argumentum Antinormanicum*, where they are all repeated, and therefore on purpose passed over in this place.

William the First,

COMMONLY CALLED,

The Conqueror.

[1.] **T**HE *Danes* and *Norwegians* under *Hastings* or *Ansings* their former Leader, having harassed and wasted a great part of *France* with Fire and Sword, [2.] the *French*, and their King especially, wearied with his Ravages and Cruelties, make Peace with him, pay him Tribute, and allow some part of their Country for an Habitation to him and his Followers, [3.] do now again under the Conduct of *Rollo*, at the [4.] Instigation of *Hastings*, come with their Fleet out of the *Ri-Scheld* into the Mouth of the River *Seyn*, to whom *Franco* ver Arch-Bishop of *Roan* with his whole Country sent for Protection and submitted; By this means having here a place of settlement, and he invaded the other parts of *France*, and attempts [5.] *Paris*, and assisted with [6.] *English* and other People that resorted to him, often defeats the *French*, and became so formidable, that *Charles* the Simple at the [7.] Instance of his People, and [8.] Advice of *Franco* aforesaid, made a Composition with them, and gave to *Rollo* all the Land from the Rivers *e Epte* to the Sea, then called *Neustria*, now *Normandy* from these *Northern* Men, which because it was then almost wast, uncultivated, and unpeopled, and the Corn and Cattle destroyed, he gave him also *Brittany* for their present support, that from thence they might take all Necessaries to sustain them; and likewise his Daughter *Gisla* to Wife, [9.] upon Condition he would turn Christian, which he did accordingly, and was [1.] Baptized by *Franco*, and named *Robert* by his Godfather *Robert* Duke of *France* the King's Brother; and afterwards called all his great Commanders, Soldiers, and whole Army to be instructed in the Christian Faith and Baptized. [2.] Before he measured out his Land (which was done with a Rope or String) and gave Shares of it to his chief Companions, and others of his faithful People, he gave some part of it to the chief Churches in *Normandy*, which he repaired and new built, as also the Walls of his Cities and Fortresses. From this *Rollo*, in a direct Line, *Robert* was the Sixth Duke of *Normandy*, to whom [3.] *William* was Natural and only son by *Herleva* or *Herlotta* his Concubine, Daughter of *Fulbert* his Chamberlain or Groom of his Chamber; *Robert* out of [4.] Devotion, against

[1.] Dudo de moribus & actis Norman. fol. 63. B. C. [2.] Ibid. 66. B. C.

[3.] Ibid. 75. D. An. Dom. 875.

[4.] Ibid. 76. C. a. b.

Rollo comes into the River *Seyn*, Arch-Bishop *Franco* begs his Protection. [5.] Ibid. 79. b. [6.] Ibidem.

c. [7.] Ibid. 81. D. 82. A. [8.] Ibid. 83. c. [9.] Ibid. 79. b.

The King of *France* gives *Rollo* *Normandy*. [1.] Ibid. 79. B. He is Baptized An. Dom. 912.

[2.] Ibid. 84. C. And his whole Army. [3.] Ibid. 85. A. b.

He shares his Land, gives some part first to the Church. Will. Robertus. [4.] Ibid. 86. c. 1. [5.] Ibid. fol. 439.

(a) *Scheld* or the *Scheld*, a River running through *Brabant* and *Flanders*, and passing by the Borders of *Holland*, upon which *Antwerp*, *Chent*, *Udenard*, and *Tilburg* are seated. (b) *Sequana*, or the River *Seyn*, running through the Isle of *France*, and falling into the *British* Sea, upon which *Paris* and *Roan* are seated. (c) *Epte* or *Isa*, a small River upon which *Gisors*, *Gurnay*, and *Bray* are seated, which falls into the *Seyn* between *Paris* and *la Roche Guion*.

B b

the

Robert goes to Jerusalem.
[5.] *Gem. 1.*
[6.] *ibid. 6. c. 12. D.*

[6.] *Malm. de gest. reg. fol. 53. b. 30.*

[7.] *Gemet. lib. 6. c. 11.*

He leaves his Son and Tutor to the Care of the King of France

[8.] *ibid. c. 13.*

An Dom. 1031.
Robert dies.
[9.] *ibid. lib. 7. c. 1.*

d.
His Tutors privately Murdered.

c.
Bastardy was no bar to the Inheritance of Princes.

[1.] *Gemet. lib. 7. c. 3.*

Roger de To-
wz Arms a-
gainst William.

f.
He is over-
thrown and his two Sons killed.

g.
[2.] *Gul. Pruv. f. 179. D. 180. A. B.*

h.
Guy beaten.

Askd Pardon, and receives it.

[1.] *Valf. re- rum Franc. Tom. 1. fol. 110. 121.*

[2.] *ibid. Tom. 3. fol. 88. 113.*

[3.] *Gemet. lib. 8. c. 37.*

* *Ordre. vi. lib. 1. c. 6.*

* *Gemet. ubi supra.*

[4.] *Gemet. lib. 5. c. 13.*

Guy Earl of France who? Constance, is

[5.] *Valf. not. Guff. fol. 156.*

[6.] *ibid. fol. 73. 4. le Bessin. Biscassin.*

the mind of his People, going to visit the Sepulchre of Christ at Jerusalem, [5.] called together the Arch-Bishop, and other the great Men of his Dukedom, and caused them to do Homage and Swear Fealty to his young Son then about Eight years old, as their future Prince and Lord, appointing [6.] Gilbert Earl of [7.] On his Governor, committed them both to the Care and Protection of Henry the First, King of France, and afterwards in his return from the Holy Land died at [8.] Nice in Bithynia; After his death many near to the Dukedom, of his Fathers Relations, Conspired against him, [9.] privately killed his Tutors and Governors, and endeavoured to take from him the Dukedom, for that he was a Bastard, which then in France was not esteemed a sufficient Bar to the Inheritance of Princes, especially if according to the Canon Law they Married their Concubines, for before that time many had succeeded their Fathers in this and other Countries, as if they had been lawfully begotten; others openly invaded the Title, and waged War for the Dukedom; The first of whom was [1.] Roger de Toenio Standard-bearer in all Normandy; a Descendent from Malahulcins, Uncle to Rollo the first Duke thereof, and an Adventurer with him in the Acquest of it, he returning out of Spain, where he had performed many great things against the Saracens, and finding William a Child to succeed his Father in the Dukedom, was much displeased, and scorned to serve him, saying, a Bastard ought not to Command him or the Normans; Combined with others, who Conspired against William, and enters the Territory of Humphid de Veturia, waisting it with Fire and Sword, whose Son, Roger de Bello-monte or Beaumont, encountered him with what Force he could raise, routed his Forces, and slew him and his two Sons Helbert and Elinantius.

[2.] After him & Guy Earl of Vernon and Brion pretended to the Title of the Dukedom, who with the assistance of Nigel Governor of Constantin, or the Territory of Constance, Raynulphe Viscount of Bayeux or Bessin, and the greatest part of Normandy, resolved to try it by his Sword, and was overcome at Valoignes, from whence he fled to Brion a strong Town, where William besieged him, and being almost starved he employed Mediators for Mercy, which was granted, and the Duke being possessed of his Castle, permitted him to remain in his Court, and pardoned his Abettors and Followers.

(A) Thierry or Theoderic [1.] Bastard of Clouvi, had for his Share, with his Lawful Children, Austrage, now Lorraine. (B) [2.] Sigibert Natural Son of King Dagobert had Austrage as his Share also of France, with his Lawful Son Clouvi 12. with many such Exemplars of other Nations. (C) In most of our Historians he is called Roger de Treffe. (D) He was Son of Thieric de Ponte Audomari, by Wera [3.] Sister to Gunwora a Forrester's Daughter, first Concubine, and then Wife to Richard first Duke of Normandy. (E) Others de Bolecie Married another Sister of Gunwora, by whom he had Walter Giffard, made * Earl of Buckingham by the Conqueror; From these two Sisters of Gunwora, and her Brother Herseful (F) sprang many of the * great Men of Normandy, and afterwards of England, the Fitz-Oberth, Mortimers, Giffards, Warwics, Montgomeries, Gournays, Bachervills, Bellomons, or Beaumonts, &c. (G) He was [4.] Son to Reynald Earl of Burgundy, by Alice Daughter of Richard the Second Duke of Normandy. (H) That part of Normandy is like a Peninsula, being environed with the Sea West and North, and bounded with the River Pire East. [5.] Le Constance or Conantin, so called from the chief Town or City thereof Constance. [6.] Le Bessin or Biscassin, so called from the chief City thereof Bayeux, that part of Normandy bounded with the Rivers Dipe East, and Pire West, and with the British Sea North.

Thefe

These Clouds blown over, William receives a greater Trouble from Galfrid [3.] Martel Earl of Anjou, who having subdued Tedbald Earl of Tours, and taken that City from him, and seized Poitou, Earl of Poitou, usurped also Damfront and Alencon, Members of Normandy; The Duke after having given him a Diversion by marching into Anjou, besieges Alencon and takes it; Martel being come very near to relieve it, but hearing it was yielded, struck with a sudden fear, he fled with his Army, and Damfront submitted to the Duke so soon as he came before it. [4.] After these William de Archeu or Earl of k Arche, not being forewarned or restrained by the Ruine of Guy, or overthrow of Martel, Arms against William, fortifies and Mans his Castle of Arches against him, [5.] to whose Relief Henry King of France came with a great Army, which was intercepted by an Ambush, the Earl of Pontieu and many Men of Note killed, and Hugo Bardulf taken Prisoner. The King of France then considers what he had [6.] done, repents he had abetted the Earl of Arche, and marches back; The Castle then reduced to miserable Straights, and the Defendants even starved, supplicate to yield, saving only their Lives, which were granted; and he did not only give his Uncle the favour of staying in his Country, but also gave him large [7.] Possessions and Rents, using him more like a Friend than Enemy; Many also Deserters in this juncture went over to the King of France, whom the Duke received again into favour. These [8.] Successes raised envy in the minds of the King of France and the other Princes of that Nation, with suspicion of his Greatness, the Roman Emperor assisting and being in League with him, so that Tedbald Earl of Tours, the Earl of Poitou, Galfrid Martel Earl of Anjou, and the whole Powers of Burgundy, Avergny, Aquitaine and Gascoigne Confederate with the King against him, and raised two mighty Armies, designing to destroy his whole Country, whereof one under the Command of Odo the Kings Brother, and his most familiar Friend Rainold, entered the Country of Caux; the other Commanded by the King himself, enters the East part of Normandy, and proceeds towards Euvix and Roan; The Duke likewise divided his Army, the better to encounter his Enemies, into two parts, and Heads that himself which opposed the King, [9.] the other under the Command of Robert Earl of Ouo or Ewe. Hugh Gornay, * Hugh Montfort, Walter Giffard, * William Crispin, and other valiant Officers, suddenly set upon the Army at Mortimer in Caux, put them to flight, and took many Prisoners; The King hearing of this Victory, fled also in great haste out of Normandy, and concluded a Peace, upon these Conditions; That the Prisoners taken in the Battle should be delivered to the King, and that by his Consent and Gift the Duke should for ever enjoy as his own, whatsoever he had or could take from Geoffry Martel Earl of Anjou. And he presently directs his chief Commanders to build a Fortrefs at Hambrieres in Anjou; which [1.] Martel by the help of William Earl of Poitou, and Eudo Earl of Brittain, besieged and assaulted; but so soon as William approached to relieve it, they fled.

(I) He [7.] was Son to Richard the Second Duke of Normandy, Brother to Richard the Third, and Uncle to William. (K) Now Arques near the Town of Diepe. (L) [8.] He was Son or Grandchild to William Earl of Ouo, who was Natural Son of Richard the First Duke of Normandy, and was made Earl of Ouo by Richard the Second, his half Brother by the Mother side. * [9.] He was Son of Thieric de Bassenburgh. * The same with William Fitz-Obern the Son of Obern Crispin or Gregon.

[3.] *ibidem. fol. 181. D.*

Galfrid Martel (i.e. arch) Damfront and Alencon.

They are retaken.

ibidem. fol. 181. 183.

[4.] *ibid. 184. B.*

i.

William de Arche Arms against the Duke.

Fortifies his Castle.

[5.] *ibid. 18. C.*

Henry King of France comes to his relief, and his Army intercepted by Ambush.

[6.] *ibid. D.*

His Castle is taken, and Earl William taken into favour.

[7.] *ibidem. 186. A.*

[8.] *ibid. B.*

The King and Princes of France Confederate against William.

They are beaten and fly.

[9.] *ibid. 187. B.*

i.

Apud mare mortuum.

*.

ibidem. c.

ibidem.

[1.] *ibidem. 189. A.*

[7.] *Gul. Pruv. fol. 1.*

[8.] *ibid. 191. Gemet. c. 20.*

[9.] *ibid. 18. c. 37.*

Soon

B b 2

[9.] Gull.
Pitt. 1. 8. B. C.
The King of
France and
Marcel enter
Normandy a-
gain.
[1.] Per Oxi-
m. nem Cumi-
tatum

They are
beaten and fly.

Ibidem. D.
King Henry
dies.
Leaves his
Son to the
care of Bal-
win Earl of
Flanders.
[1.] Ibidem.
[2.] D.
Whole
Daughter
William had
Married.
* Ib. 183. D.
[2.] Ibidem.
189. B.
He claims
Anjou.
[3.] Ibid. D.
The Anjou's
submit.
[4.] Gull.
Pitt. 196. C.

[5.] Ibidem.

[6.] Ib. 191.
B. C. D. and
194. A. B.

He goes over
into England.
See the Reign
of Edward
the Confessor
and of Harold.
[7.] Here in
Ed. Confessor.
Of the ease
Conquest of
England.
The Clergy
Ignorant and
Debauch, and
Nobility
Loose and
Prophane, &c.

[8.] Malm. vit. Gull. 17. a. n. 54. ibid. b. n. 10. Mat. Par. vit. Fred. Abb. 46. n. 30.

Soon after the [9.] King of France breaking the Peace, entred Normandy again with a great Army, to whom Geoffry Martel joins what Forces he could raise, and by quick Marches came through the Country now called [1.] *Hyemes* to the River *Dive*, destroying all that Country with Fire and Sword to the Sea Coast, none resisting, none pursuing them; but while they were passing that River, the King with part of the Army being over, the Duke comes suddenly upon them with a flying Army, and cuts off almost all those which were on that side the River towards him, or forceth them into it and drowns them, the King looking on, but not able to help them; who with the Earl of Anjou in all speed fled once more out of Normandy. And not long after the King of France died, and Philip his Son, a Child, succeeded him, between whom and the Duke there was always a firm Peace, he being left by his Father under the Tuition and Protection of his Uncle Baldwin Earl of Flanders, who was a great Assistant to William, and whose Daughter [1.] *Matild* he Married in the midst of these Tumults, Insurrections, and Troubles. About the same time *Galfrid* * *Martell* also died; These Enemies dead, he is at leisure to pursue his Design upon [2.] *Anjou*, to which, besides the Gift of the King of France, (upon the conclusion of Peace between them after the Battle of Mortimer in *Caux*) he had likewise a Title from Herbert Son of Earl Hugh, whom Martel had Expelled; Hedying without Issue, left William his Heir, and willed his People they should seek for no other Lord; but they set up *Walter* Earl of *Meyn*, who had Married the Sister of Hugh; [3.] yet not long after, being wearied with the Incurfions of William, they joyfully received him as their Lord. [4.] These Successes and the Fame of his Piety, by founding, endowing, and advancing Churches and Monasteries, spreading through France and the adjacent Countries, brought a great frequency of Foreign Nobility to his Court, as well Ecclesiastick as Secular, some esteeming it a favour to be allowed to remain there, others to observe and take Advice, and some to enter into the Service of the Duke: And it added much to his Glory, that being at this time in an universal quiet, [5.] none daring to Arm against him, that he provided for the security of Church and State, [6.] discouraging the Loose, Luxurious, and Prophane Ecclesiasticks, encouraging the Sober, Learned and Pious; taking care also of the Cause of the Widow, Poor, and Fatherless, by quickening the Execution of the Laws, and where they were not sufficient for that purpose, ordaining new ones. In this Recess from War and Business, he went over into England, as is related, in the Reign of Edward the Confessor, whither the course of this History is to be referred until the end of his Reign, and also unto the end of the Reign of Harold. This mighty Fame he acquired by these Actions; and the opportunity he had given him [7.] of viewing and observing the chief Fortresses, Cities, and Castles, when he was in England, were no small Advantages towards the Conquest of it: But that which made it easie, and the Possession more peaceable, were the irreconcilable Feud between Harold and his Brother *Tobit*, the [8.] Loosness, Debauchery, and Ignorance of the English Clergy

and

and Nobility, [9.] the large Possessions of Religious Houses, which if they had been in the hands of Temporal Lords, would have enabled them to have made Resistance, but being in their hands, they neither would, or ought to oppose him, who they thought had right to the Kingdom.

And lastly, The different and jarring Saxon, Danish, and Norman Interests, which inclined them several ways, the Saxon Nobility and People would have had *Edgar Atheling* the right Heir of that Line their King: The Danish would have brought in *Swain* King of Denmark, who claimed from *Harde-Cnut*, and both perhaps against the Norman Interest, as being lately introduced in the Reign of *Ethelred* by the Marriage of *Emme*, except such as by the example of *Edward* the Confessor, were inclined to, and trained up in the Norman Modes and Customs, who preferred many of that Nation to great Dignities; so that in this time there was [1.] *Robert* Archbishop of Canterbury, *William* Bishop of London, * who obtained the Charter of the Liberties of that City from the Conqueror, *Oswin* Bishop of *Dorchester* in *Oxfordshire*, the greatest Diocels in England, all Normans; *Randolph* *Pevecrell* in *Essex*, *Fitz-Scribi* in *Salop*, *Ralph* Earl of *East-Angles*, *Danbin* de *Bear*, *Hugolin* his Chancellor, and Steward, *Swein* of *Essex*, *Alfrid* the Yeoman of his Stirrop, and many other Laicks, Men of great Power and Reputation with the People, who had several Employments here, especially those placed to defend the Marches against the *Welsh*, and called in for that purpose by *Edward*.

The Conqueror after the Battle of *Hastings*, fatal to the English, [2.] having buried his dead, and appointed a stout Governor in that Portress, marched to *Romney*, where having revenged himself of the Cruel Inhabitants, (so they are there called) for the Slaughter of some of his Men, by a mistake landing at that place, he thence advanced to *Dover*, whither, though an innumerable Multitude of People had betaken themselves, as to a place by reason of the Castle inexpugnable, yet dismayed with the Conquerors approach, the place with all readiness submitted to him, who after eight days Fortification of it, marching from thence, and leaving his sick Men there, not far from *Dover*, the Kentish Men of their own accord came in to him, swore Fealty, and gave Hostages for the performance of it; [3.] *Canterbury* also sends her Submission, and the next day he came to the *Broken* ^b Tower, proceeding forward, and understanding where *Stigand* the Arch-Bishop, with the Earls *Edwin* and *Morcar*, and others of the Nobility (who designed to have *Edgar Atheling* their King) were assembled, he made towards them, and encamped not far from *London*, from whence some Troops issuing out against him, 500 Normans Horse which were sent against them, drove them back

(a) William answered the Abbat of *St. Albans*, giving him this reason of the easiness of the Conquest, and quiet possession of England, That if this were the cause, the Conquest of England might be as easie to the Danes, or any other that should make War upon him, and he should not know how to defend his Kingdom, and therefore began with him, and took away some of his large Possessions, to maintain Soldiers for the defence of the Nation, almost all his Lands and Lordships (as 'tis said there) between *Barnes* and *London* Stone. (b) In Latin *Frassa Turris*, this place is somewhere in *Kent*, and not far from *Canterbury*, but where I know not.

[9.] In the Manuscript, book of Additions, fol. 79. b. c. d. by Dr. Warr. his Notes upon Mat. Par. fol. 3.

M.
See the Reigns of *Ethelred*, *Harold* the 1st. *Harde-Cnut*, and *Edward* the Confessor.

Norman Bishops and Great Men before the Conquest.
[1.] Scriptor Norm. 102. 3.
* In Append. n. 9. al. Wulfstan

[2.] Pitt. 204. C. D.
The Conquerors March after his Victory at *Hastings* to *Romney*.

Dover yields.

The Kentish Men of their own accord come into William.

b.
[3.] Ib. 205 A. B. C. G. C.
Canterbury sends her submission.

Ibidem.

into

Arch-Bishop
Stigand de-
scribes Edgar.

London sub-
mits, and gives
tollages.

The Bishops
and Nobility
supplicate him
to be King.

[4.] *Ibidem*.
His Army also
would have it
so.

[5.] *Ibidem*,
D. 106. A.
An. Dom. 1666.
They dare do
no other wife
being over-
awed by his
Army there
present, *Ibidem*.
f. 158. a. n. 10.
C.

[8.] *Gul. Phil.*
106. B. C. D.
Harold's Treas-
ure distribut-
ed.

To his Pol-
lowers,
To St. Peter's
Church at
Rome.

And to 1000
other
Churches. *Ibidem*,
207. C.
He ordains
many things
for the advan-
tage of Lon-
don and the
whole Nation.

No Oath
taken at his
Coronation.
Fol. 148. a. n.
14. *Cd. 191.*
n. 43. *de gest.*
pont. 154. b. n.
p. or not such
an one at his
commonly
storie he
took.

[7.] *Scriptor*.
Norman. 1000.
* *Gul. Phil.*
194. C.

into the City, not without the Slaughter of many by the way; This Action was followed with the Firing of all Buildings on that side the River Thames, and proceeding whether he pleased, passing over the River at Walsford, whether Stigand followed him, who deserting Edgar, made his Peace with William, and owned him as his Sovereign; proceeding from hence, so soon as he came within sight of London, the People there, as well Citizens as others, which were many, submitted themselves, and (as the *Kentish* Men had done) delivered him Hostages: such, both for number and Quality, as he desired. This done, as well the Bishops as other Great Men supplicate him to receive the [4.] Crown, for that they desired to have a King, having been accustomed to live under one. He acquaints his Confidants with this Address of the *English*, who persuade to a Compliance with it, as being upon their Knowledge the unanimous desire of the whole Army; He weighing all things, could not but yield to the importunity of so many petitioning and persuading him to it, therefore staying near London, he sent some before to raise a place of security and Fortress within the City, and prepare things fit for such a Royal and Magnificent Solemnity. [5.] The day designed for his Coronation was *Christmas-day*, when much People, as well *English* as *Normans*, assembled at *Westminster*, where *Aldred* Arch-Bishop of *Tork*, after an Oration to the *English*, asked them, if they consented he should be Crowned, who all cheerfully with one Voice consented; The like being done to the *Normans* by the Bishop of *Constance*, and their consent declared, he was Crowned by *Alred*, (the Arch-Bishop of *Canterbury* *Stigand* being then anathematized by the Pope) in *St. Peters*, the Abby Church at *Westminster*, in the presence of many Bishops, Abbats, and Noblemen.

After this Solemnity he looked into the Treasury of *Harold*, [8.] wherein were found vast Riches, part of which he distributed amongst such as were with him in the Battle, and some to the Poor and Monasteries. His Treasury was much increased by the Gifts and Presents from Cities, Towns, and all Rich Men, to their new Lord, of which he sent to the Church of *St. Peter* in *Rome*, and lodged in the hands of Pope *Alexander* an incredible Sum of Gold and Silver Money, besides Ornaments; he sent also to a thousand Churches in *France*, *Aquitain*, *Burgundy*, and *Auvergne*, to some very large Golden Crosses set with Gems, to others much Gold or Golden Vessels, rich Palls, Copes, or other Vestments. In *January* next following, [9.] during his abode in *London*, he ordained prudently and justly many things, some for the Advantage and Dignity of that City, others of the whole Nation in general, and some for the profit

(c) Neither *Pilavensis*, *Ordericum Vitalis*, *Hen. Huntingdon*, or *Mat. Paris* make any mention of any Oath he took at his Coronation, [6.] *Sim. Dunelm. Malmbr.* and *Hoveden* indeed says, the Arch-Bishop exacted an Oath from him, and that he took one before the Altar of *St. Peter*, and swore to defend the Church and the Governors of it, justly to govern all the People subject to him, to establish just Laws, and have them duly executed, and to prohibit Rapine and unjust Judgment; and if it were so, [9.] 'twere the same Oath he took when he was installed Duke of *Normandy*; not one word hereof of the *English* or King *Edward's* Laws. (d) Cathedral, Conventual, and others, such as fill Matters for his Success, * whose Prayers he was wont to desire and purchase in time of War and Difficulty.

of the Church, [1.] then departing from *London*, he staid some time at *Berking*, while those Places of Strength were perfected which he had caused to be made in the City, to check the instability and power of that People, for he saw it in the first place greatly necessary to restrain them; Hither repaired to him the two great Earls of *Mercia* and *Northumberland*, and Brothers [2.] *Edwin* and *Morcar*, with many more great Noblemen, whom upon their swearing Fealty to him, he graciously received and granted to them their Possessions. Proceeding further into divers parts of the Nation, he provides for his own safety, by appointing [3.] stout *French* Captains and Governors, with many Foot and Horse, to remain in and Garrison in the Castles every where, giving them great Rewards for the Labours and Danger they should undergo; he seemed kind to all, but more especially to *Edgar* [4.] *Atheling*, to whom he gave many and large Possessions. Having thus provided for the security of this Kingdom as well as he could for the time, in *Lent*, that year, he returns into *Normandy*, so to settle his Affairs there, as afterwards they might not need his presence. For some long time before he went, the Care and Government of this Kingdom was committed to his Brother [5.] *Odo* whom he placed in *Dover* Castle, and gave him the Government of *Kent*, with the adjoining South Coast, and to * *William Fitz-Osbern*, whom he placed at *Winchester* in the Castle he had built there, with direction to look after the North parts; these he left as his Viceroys, and to them subjected all other his Commanders, Great Men, and Officers in every part of the Nation, some of which used their [6.] power well, others wanting all modesty, immeasurably oppressed such as were under them. [7.] To leave all safe behind him, he carried over as Hostages Arch-Bishop *Stigand*, *Agelnoth* Abbat of *Glastonbury*, the three Earls *Edwin*, *Morcar*, and *Waltheof*, *Egelmod* and others of the highest and chiefest Nobility, and Bishops. [8.] The Feast of *Easter* he Celebrated at the great *Canan* Abby, dedicated to the Holy Trinity, whither came the great Earl *Rodulph*, Father in Law to the King of *France*, and much *French* Nobility, who with the *Normans* curiously viewing the *English* Nobility, which were not inferior to the Grace and Comeliness of Women; and observing the Garb of the King and his Guards, so richly embroidered with Gold, they esteemed all the bits of Men they had ever seen before, vile and mean in respect of them; they also admired the Silver and Gold Vessels, concerning the number, largeness, and gracefulness of which, incredible things might truly have been reported. [9.] In the mean while things were very well ordered in the Refectories or several Governments of *Odo* Bishop of *Batieux*, and *William Fitz-Osbern*, who acted severally or jointly, assisting each other as occasion required, and used great Justice as the King had advised them; but the *English* neither by fear or favour could be kept quiet, who taking an opportunity (especially

(*) *Berking* in *Essex*, in *Pilavensis*, *Berking*, in *Ordericum*, *Berking*, in *Bede*, *Berecing*, and not *Berkhamstead* in *Harefordshire*. * He was Son of *Osbern* Crepon, who Married a Daughter of *Rodulph* Son of *Spro*, Widow of *Richard* First Duke of *Normandy*, by *Ascelinge*, *Gemes*. l. 7. c. 38. his Grandfather *Hervulfus* was *Gunnora's* Brother, *Ibidem*. l. 9. c. 15. (f) * *Ordericum Strapa Canuariensis*, the Governor, Earl, or Lieutenant of *Canterbury* or *Kent*. *Hoveden* somewhere calls him, *Regis* *Haraldi* *Stallarius*, Master of the Horse, or Standard-Bearer to *Harald*. (g) Now *Fischamp* or *Fecamp* in *Caen*, upon the Coast of *Normandy*, between *Heure* de *Grace* and *Diepe*.

[11] *Ibidem*,
108. B.

The Conquer-
or stays at
London, until
he securi-

[2.] *Ibidem*.
Edwin *Mor-*
car, and o-
thers Swear
Fealty.

[3.] *Order-*
icum, C.
17. 106. B.
He Garrison
the Castles
and Places of
Strength.

[4.] *Gul. Phil.*
108. C.
And goes over
into *Nor-*
mandy.

[5.] *Ibid. D.*
*

And appoints
Odo Bishop of
Batieux, and
William Fitz-
Osbern, Vice-

Roy in his
absence.

[6.] *Ord. vit.*
106. C.
[7.] *Ibid. G.*
Gul. Phil.
209. B.

He takes the
Chief *English*
Noblemen as
Hostages with
him.

f.
[8.] *Gul. Phil.*
211. C. D.
And keeps his
Bastle or Tri-
umphal Feast
at *Fecamp*.

An. Do. 1067.
The Beauty of
the *English*
envied.

The rich Hab-
its of the Con-
queror and his
Guards.

[9.] *Ibid. 211.*
A. 3. C. D.
The two
Vicegerents
behave them-
selves justly.

* *Fol. 106. C.*

they

Eustachius
Earl of Bul-
loigne, and the
Kings-Men
attempte Dover
Castle, and
are beaten off,
or retire.

He is recon-
ciled to the
King.

h.
Earl Coxo
slain by his
own Men.

[r.] 107. D.
108. A. B.

The English
mightily op-
pressed by the
Normans.

Thir Com-
plaints re-
fused.
They Consult
to regain
their Liberty.

i.
[r.] Ibid. 109.
h. C. D.
Eustachius
Earl of Bul-
loigne joyous
with them.
William re-
turns, and
brings with
him Roger
Montgomery.

k.
He keeps his
Christmas at
London; Ca-
joles and flatters
the Eng-
lish Nobility,
and likewise
the Welsh.

[3.] Ibid. 110.
A. B. C. D.
Exceter stands
out against
him.

* Seldens Tit.
Hon.
[1.] Ord. vii.
108. D.
* Comes lib.
8. c. 37.

they of Kent) of the absence of Odo and Hugh Montfort, with the greatest part of the Soldiers from Dover, beyond the Thames; sent to *Eustachius* Earl of Bulloigne, then the Kings Enemy, and invited him to join with them in the surprisal of Dover Castle; he agreed with them in the Design, and passed over to them in the dead of the night with a Fleet of chosen Soldiers, and joining with them, assaulted the Castle, but finding the Defendants resolute, and more than were expected, he drew off, retired with his Men to his Ships, and departed; afterwards he was reconciled to the King, and was Honoured as one of the greatest Personages about him. About this time ^h Coxo a great and powerful English Earl was killed by his own People, for standing firm to William, and not Arming against him with his English Friends and Relations.

[1.] *Ordericus Vitalis* gives another account of the behaviours of the Normans, and the two Vice-gerents, who says the English were mightily oppressed by their Pride and Insolencies, and that the lesser Governors of Castles and Places of Strength, did vex and abuse the noble and middle sort of Natives with great Exactions and many Contumelies; and especially Odo and William Fitz-Osbern, who elated with too much haughtiness, refused to hear the Complaints of the English to do them right, and by force defending their own Soldiers spoiling the English, and ravishing their Women. The English therefore deprived of their Liberty, are mightily troubled, and consult with one another, how they should shake off this Yoke; and thus provoked, they apply themselves to *Eustachius* Earl of Bulloigne, &c. as in the former Relation. [2.] The Conqueror having settled his Affairs in Normandy, left the Government thereof to his Wife Maud, and his Son Robert, with the assistance of his Bishops and Great Men, and hearing of the Contrivances of the English and Danes against him, he came to Dieppe on the Sixth of December, and that night passed over to Winchester, and brought with him ^k Roger Montgomery, whom, with his Wife, he had left Governor of Normandy upon his Expedition into England, to him he gave *Chichester* and *Arundel*, and some time afterwards the Earldom of Shrewsbury. He kept his Christmas at London, where he Treated the English Bishops and Nobility with much Craft, Officiousness, and Flattery, he granted what they asked, and readily heard what they offered to him; with the like Art he cajoled the Welsh, but wical privately directed the English to be prepared to resist their Crafts and Treacheries; all Cities and Countries where he had been, and placed Garisons, readily obeyed; the West and North parts only gave him Disturbance, and first [3.] Exceter refused to Swear Fealty, and to admit the Conqueror or his Forces into the City, but would have paid Tribute, with which he was not satisfied, sending to them, and letting them know, he was not wont to have such Subjects, and presently brought his Army before them, placing the English in the Front; The Chief of those within the City came out to meet him,

(b) He was * Earl of Northumberland. (1) Besides Bulloigne, he was Earl of [1.] Guisnet and Tarentum. (k) He was Son to Engo de Mont Gomerio, by Jaceline, Daughter of Wena, Sister to Guuora, and Turolf her Husband, he Married Mabil the Daughter and Heir of William de Belesio, by whom he had five Sons, whereof Robert de Belesio (a Caille in Perche) succeeded him in his Mothers Inheritance.

having

having notice of his approach, desire Peace, and promise to do what ever he commanded, and presently Hostages for performance are brought, such, and as many as the King thought fit; In the mean time the ordinary Citizens refuse to give up the City, whereupon he Commands his Army to move near unto it, where before the Gate one of the Hostages, by his Order, had his Eyes put out; then battering the Walls, and undermining them, they within beg his Pardon and Mercy, which he readily gives, by the Mediation of the Chief of them, and the Clergy, who went out to him, humbly submitting themselves, and confessing the guilt of the People, all things were forgotten as if never done, and their Goods secured to the Citizens from the Violence of the Soldiers, by Guards placed upon the Gates only, with Command to keep out the Soldiers. * *Githa* the Mother of Harold, and many Citizens escaped and fled into Flanders with great Riches. Here within the Walls he chose out a place for the building of a Castle, and left Baldwin the Son of Earl Gilbert to see it done, and with many other stout Soldiers to remain there in Garison. From thence he went into Cornwall, and disposing all things there to his own satisfaction, he dismissed his Army, and returned to Winchester, there to recreate and refresh himself all the time of Easter; and not long after he sent for his Wife Maud to come to him, who was Crowned by Aldred Archbishop of York on Whitsunday following; and before the year was out, he brought forth Henry, afterwards King of England. Upon this his return into England, he imposed an importable Tribute upon the English, which Malmesbury reports thus; That Aldred Archbishop of York, whilst William behaved himself with temper and justice toward the English, loved him as his Son, and honoured him as a King, but when he exacted from them an importable Tax, he sent Messengers to him about it, which being hardly admitted, were returned with a rough Answer; whereupon he presently Curfed William and all his Progeny. The King hearing of it, sent some Friends to appease and quiet the Arch-Bishop, but before they came to him he died with Grief.

[4.] Earl Edwin was assured by the King he should have a Daughter of his in Marriage, yet through the Fraudulent Advice of the Normans he performed not his Promise; This deceitful dealing toward this young Earl, that had long expected his Mistress, together with his hard usage in carrying him and many others beyond Sea with him, as it were his Prisoners, and to shew them in Triumph, provoked him and his Brother Morcar to take Arms, who being very popular and well beloved, had the assistance of many in the North parts, and especially of their Nephew Blidon King of Wales, who came unto them with a great number of Welsh-Men; Hereupon William caused a search into, and discovery to be made of all the Private Places, and Places of Retreat, and forthwith fortified such as might be any ways advantageous to his Enemies; he built a Castle at

(1) Blidens Father Married Edith, Edwin's Sister, after whose [2.] death she was Married to Harold.

it submitted:

The Citizens
pardoned and
enjoy their
Estate.

* 3m. Duvel.
Col. 197. 45.

He settles
Cornwall.

As Do. 1068.
Queen Maud
Crowned by
Arch-Bishop
Aldred.
King Edm. 1.
born.
De gest. pont
154. 6. n. 10.

[4.] Ord. 4. t.
11. A. B. C. D.
William pro-
misseth his
Daughter to
Earl Edwin,
and deceives
him.

Edwin and
Morcar take
Arms.

1.

[2.] Ord. vii.
311. B.

Warwick

C c

m. They crave favour.

Which was in them only granted. Nottingham Castle built.

n.

Lincoln and Huntingdon Castles built.

[1.] Sim. Dun. Col. 19. m. 16.

O.

[6.] Ibid. Col. 98. m. 2. Order. vit. 113. A. The Sons of Harold invaded England, and b. at Edinb.

[7.] Ibid. 512. A. B. The Norman Ladies want their Husbands.

P. Some of them return.

[8.] Ibidem.

An. Ds. 1069. [9.] Ibid. C. & Sim. Dun. Col. 38. m. 18. Robert Cumin and 700 Men slain.

[10.] Gmct. lib. 7. c. 4. Hen. de Bellomonte, Hen. de Newburg, Roger de Bellomonte, who? [4.] Sim. Dun. Col. 80. m. 34. [5.] Ibidem. Col. 82. m. 27. [6.] Ibid. Col. 104. m. 26. [7.] Patef. not. Gall. fol. 137.

Warwick, and gave the Custody of it to ^m Henry de Bello-Monte, so that these Brothers reflecting upon the doubtfulness of their Success, crave favour, which was but in shew only granted them; he then also built Nottingham Castle, and gave the keeping of it to William Pendl. Those which were in York, as soon as they heard these things, delivered the Keys of the City with hostages to the King, who suspecting their Constancy, raised a Fortrefs in the City, and placed there a Garison of choice Soldiers. ⁿ Archill also, the most Potent of the Northumbrians, makes his Peace, and delivers his Son an Hostage; The Bishop of Duresme likewise is received into favour, and by his Mediation Conditions were offered to Malcolm King of Scots, which he accepted, and swore to a faithful Compliance with William. In his return from this Expedition, he built Castles, or made Places of Strength at Lincoln, Huntington, and Cambridge, placing in every one of them stout Commanders. [5.] Afterwards Marlesven, ^o Gospatric, and the most Noble of the Northumbrians fearing the severity of the King, and lest they should be imprisoned as others were, taking with them Edgar Atheling, his Mother Agatha, and two Sisters, Margaret and Christina, went by Sea into Scotland, and by the leave of Malcolm King of Scots, stayed there all Winter. While [6.] William was busied in the North, the two Sons of Harold, Godwin and Edmund, who fled to Dermot King of Ireland, came from thence and landed in Somersetshire, who defeated and slew Ednoth, sent by William against them with an Army of English, plundered and wasted Devonshire and Cornwall, and with a great Prey returned into Ireland. Ordericus Vitalis says, they were beaten by Brian Son of Eudo Earl of Britain, and Gislebertus Gualdi, and returned by weeping Crows. About this time, some of the [7.] Norman Ladies and Women, wanting their Husbands, sent for them to return, and withal to let them know, that if they returned not, they must make use of other Men, to relieve their necessities; Hugo de P Grechmesnil, who presided at Winchester, Humfrid de Tebiolo Governor of the Fort at Hastings; and many others returned into Normandy, sorrowfully and unwillingly deserting the King; [8.] His Soldiers likewise wearied with the Desolations of the Country, where they saw nothing but Burnings, Rapine, and daily Slaughters, committed by the Natives as well as themselves, issuing out of Woods and Places of Security, whither they had retired, importuned him for their Refreshment, that they might retire to their fixed Residences, which he willingly granted, and dismissed them with a plentiful Reward for their Services. [9.] In the third year of his Reign he made Robert Cumin Earl of Northumberland, who with 700 Men coming to Duresme, and using the People of that

(m) He was [1.] Brother to Roger de Bello monte, who was Son to Humfrid de Petulu, Son of Turolf of Pont Amonr by Weva. G. he was called Hen. of Newburg from the place of his Birth, the Castle of Newburg in Normandy, and made Earl of Warwick by the Conqueror after the Survey. (n) This Archill Married [4.] Sigrid the Daughter of Egfrid, the Daughter of Alden Bishop of Duresm, by Kylivert her second Husband; her first Husband was Osbert Earl of Northumberland, who dismissed her; This [5.] Archill seized some part of Northumberland that was wast, and inhabited it by Sigrid he had a Son named Gospatric, and he another of that name, afterwards Earl of Northumberland. (o) Ordericus calls him Gatu Patricus, he represented his Lineal Extraction from Osbert afore said, by his Mother Agatha, Daughter of King Eibhred, by which, and a great [6.] Sum of Money, he obtained the Barldom of the Conqueror. (p) A Town in Normandy, [7.] Grentonius Manfio, vel mansuile seu parva mansio.

Place,

Place, and Inhabitants of the Country severely, they Conspired against him, killed him and most of his Men.

Soon after they killed ^q Robert Fitz-Richard, [7.] Governor of the Garison at York, with many others; Flusht with this success, ^r Marlesven, Gospatric, and Edgar attempt York, where William Mallo then Commanded, who being much distressed by them, the King made haste to relieve, which done, he built there another Castle or Fortrefs, and left the Command of it to William Fitz-Osborn, and returned to Winchester, where he kept Easter. [8.] King Sweyn of Denmark, much solicited by the English, and furnished with their Money, about this time set forth 240 Sail of Ships, under the Command of his two Sons Harold and Cnut, and their Uncle Earl Osbern, Manned partly with Danes, partly with English that had fled thither, which roved up and down the English Coasts, upon which they made many Descents; [9.] At length having joyned a Fleet provided by Edgar, ^s Walsheof, ^t Marleswan, and many others, they came into the Mouth of the River Humber, where they received Gospatric with the whole Force of Northumberland; with which united Strength, about the middle of September, they assaule the City of York and its two Fortresses, take them, and kill more than 3000 Normans, William Malei, the then Vice-Comes, his Wife, and two Children, Gilbert de Gant, and some few others having had their Lives spared. [1.] King William being advertised of this Slaughter, raised a great Army, and marched speedily, and in great fury into Northumberland, which he wasted all Winter, killing the Inhabitants, and committing other Cruelties; in the mean time by Messengers, he Treated with the Danish Earl Osbern, and promised privately to give him a great Sum of Money, and permitted him to take Provision for his Army upon the Sea Coasts, so as after Winter he would depart without Fighting; to which he agreed. The [2.] Nation now was so destroyed by the Normans, and especially Northumberland, that between York and Duresm, it was wholly void of Inhabitants, and lay wast the space of 60 Miles; [3.] he remained some time with his Army between the Rivers Tees and Tige, where he found the Houses empty, the Inhabitants having fled for their safety unto the Mountains, and into Woods; [4.] here Earl Walsheof and Gospatric were reconciled to him, giving their Oath of Fealty. From thence he returned to York, and having established all things there, and in that Country, he marched over Mountains, and through Woods, cross the Country into Cheshire and Wales; to correct those People, who besides other Offences committed, had lately besieged Shrewsbury; and arriving [5.] safely with his Army at Chester, he quieted the whole Country of Mercia, * and ^u Edric the Forester was reconciled to him; which done, he raised a Fortrefs there, and another in his return at Stafford, and placed

(q) He was Son [8.] of Simard Earl of Northumberland, by Elfseda Daughter and Heir of Alred, also Earl of Northumberland. (r) [9.] Ordericus Vitalis calls him Marius Successor of Alred, also Earl of Northumberland. (s) [5.] Then Northumberland was accounted all the County beyond Humber Northward, as far as Tweed. (t) Two Rivers which bound the Bishoprick of Durham Northward, and South, the Land between them was anciently called St. Cuthbert's Patrimony. (u) He was called by the Normans, Sylvaticus, and sometimes Forester, for his living in and frequenting the Woods for his security. [1.] He was Son of Alfrie, who was Brother to Eibio Sweyn, the Arch-Traytor, Earl of Shrewsbury.

(*) S. Dunel. 202. n. 47. The Castles at Chester and Stafford built,

C c 2

strong

[7.] Ord. vit. 113. C. Marlesven, Gospatric, and Edgar attempt York;

q. A second Castle built there.

r.

[8.] Ibid. 213. B. C. D. The Danes assist the English.

[9.] S. Dunel. Col. 198. m. 40.

q.

r.

And joyning with the Northumbrians, take York, and 3000 Normans. [1.] Ibid. Col. 199. m. 2. The Conqueror marcheth with a great Army into Northumberland, waste it, and buys off the Danes.

[3.] Ibidem. n. 20. 302 Northumberland void of Inhabitants.

t.

[3.] Ibidem. n. 10.

[4.] Ord. vit. 113. B. C. D. Gospatric, and Earl Walsheof reconciled to the Conqueror.

[5.] Ibidem. 116. A. He quiets Mercia.

u.

[8.] Ibidem. Col. 105. a. 27. Walsheof who? [9.] Ord. vit. 113. D. Edric the Forester who? [1.] S. Dun. Col. 197. m. 29.

[6.] S. Dunelm. Col. 100, m. 20, 30. Col. 101, m. 10, 6c. Malcolm King of Scots wale. Teedale, Cleveland, &c.

X. Gospatric wales Cumberland. [7.] Aldem, m. 30, 8c. Malcolm Marries Edgar Atheling's Sister.

[5.] Paris in vita Fred. Ab. fol. 49, n. 10. See the Answer to Argum. m. 10, 12. [6.] S. Dunelm. Col. 103, 72. Frederic Abbat of St. Albans, with many Bishops and Noblemen, retire into the Isle of Ely.

[7.] Dugd. Hist. of Dorset. ing. fol. 186.

Y. Ingulph. Hist. Croyl. 111. n. 42. They send for Hereward, and defend it a long time.

[9.] Hist. Elicm. in bibl. Canon. sub. Effig. Titl. A. 1. fol. 87, 4c.

The Abbat of Ely and the Monks yield the Isle to the King.

Hereward, who he was. A Norman Fortrela against the Isle of Ely yet remaining.

Bellars Hills, why so called.

(strong Garifons in both; From thence he marched to *Salisbury*, where largely rewarding his Soldiers for this Expedition, dismissed them. While [6.] William lay between *Tees* and *Tine*, *Edgar Atheling*, with his Mother and Sisters, and many others, took Ship at the Mouth of the River * *Were*, and passed into *Scotland*, the *Danes* all that time doing nothing further against the King, or returning home; when *Malcolm King of Scots*, with a great Multitude, passing by *Cumberland*, then in his power, waited and plundered *Teedale*, *Cleveland*, and *Holderness*, carrying away great Spoils and many Men and Women, which were made Servants and Slaves to the *Scots*. In revenge of these Ravages, *Gospatric* enters *Cumberland*, and makes the like destruction there. When *Malcolm* after this Inroad returned home, he Married *Margaret* Sister to *Edgar Atheling*.

Not long after *Lanfranc* was made Arch-Bishop of *Canterbury*, the stout Abbat of *St. Albans* *Frederic* practised with many of the Nobility, to have made *Edgar Atheling* King; and notwithstanding a Peace made with *William*, yet fearing lest he or his Arch-Bishop should vent their fury upon him, left his Convent, and went privately into the Isle of *Ely*. [6.] Upon the same fears *Edwin* and *Morcar* retired from Court, and suspecting the success of their Affairs, *Edwin* determined to go unto *Malcolm* King of *Scotland*, but in his Journey thither was slain, being betrayed by his own Followers; *Morcar* betook himself to the Isle of *Ely*, where he met with (besides Abbat *Frederic*) *Agelwin* Bishop of *Duresm*, *Sivard* called *Barn*, *Walter* Bishop of *Hereford*, and many other great Men of the *English*, [7.] who sent for [8.] *Hereward*, or *Harward*, a great Soldier, and one that was famous, and had merited much beyond Seas, to be their chief Commander; particularly importuning him on the behalf of *Thurstan*, then Abbat of that place, and his Monks, whose the whole Island was, and on their behalf the same was fortified against the King; [9.] who often attempting it by Land, and Water, and having lost many Men, and finding his endeavours fruitless, at length being advised to seize all the Lands and Goods belonging to the Monastery, without the Isle, which he did, and divided them amongst his Soldiers, to the end, that they might keep * Guards on the outlides thereof; Of which the Monks having notice, they forthwith consult with their Abbat, and resolved not only to yield peaceably to the King, on Condition he would restore unto them freely and honourably all their Lands belonging to the Church, but to give him one thousand Marks, and accordingly sent their Proposals to the King, who willingly accepting them, they admitted

(*) The River upon which *Duresm* is seated. (7) He was younger Son to *Leofric* Earl of *Merca*, and Brother to *Algar* Earl of *Leicester* or *Merca*, after *Leofric*. (*) One Fort where the *Normans* had a Garifon or Guard, remains at this day at the South-west end of *Audry* Cause-way, in the Parish of *Wivelingham*, or *Willingham*; 'tis large, of a circular or round form, encompassed anciently with a steep Bank, and deep Ditch, by the Country People called *Bellars Hills*, but corruptly, for in a Parchment Roll belonging to the Bishop of *Ely*, of the Soldiers names that were quartered in that Monastery, after the Island was delivered to the Conqueror, I find one *Belasus* or *Belassus*; that was General against the Island, and had his Station in this Fort, from whom I say that Roll, it was called *Belasus* or *Belassus Berge*, *Burrough*, *Hill*, or *Fort*; or perhaps the Fort might be called *Belassus Fort* for its opportune and convenient situation, for the placing a Garifon against the Island, being at the end of the great passage into it, from the two French words *Beland* and *Astir*, signifying well seated or placed, being so named by the *Normans*.

his

his Forces into the Isle privately, and gave him possession thereof without resistance; and all the great Men submitted, only *Hereward* made his escape. [1.] *Agelwin* Bishop of *Duresm* was presently sent to *Abington*, to remain in Custody there, where he died not long after. *Morcar* was likewise made Prisoner, and the rest, some having their Hands cut off, others their Eyes put out, were permitted to go whether they would. [2.] *Ingulph* gives somewhat a different account of this particular, and says, That *Edwin* and *Morcar*, Roger Earl of *Hereford*, *Ralph* Earl of *Suffolk*, and *Walthef* Earl of *Northumberland*, not submitting to the King, together with other great Men in like manner disherited, possessed themselves of the Isle of *Ely*; and forthwith sent for *Hereward*, and made him General of their Forces, where he did so many Warlike Exploits, so often beat his Enemies, so often deluded them, that he obtained perpetual praise for the same; and for that he did (so long as he could) sustain the tottering Ruins of his Country.

And when the rest of the Noblemen rendered themselves in hopes of the Kings favour, he only refusing, would not submit, but got away to some other place; [3.] yet afterwards he made his Peace, obtained his Estate, died in quiet, after very many Conflicts with *William*, his Earls, and Governors, and was buried in *Croyland* Abbey. [4.] The Conqueror having thus baffled *Edwin* and *Morcar*, one being dead, and the other in Prison, he divided the Nation among his Assistants and Followers; by hard usage, Imprisonment, and Banishment, he made the *English* submit. The Earldoms and Baronies, Bishopricks, and Prelacies of the whole Nation he gave to his *Norman*, and scarce permitted any *Englishman* to enjoy any place of Honour, Dominion, or Power. [5.] To *William Fitz-Osbern* Sewer of *Normandy*, he gave the Isle of *Wight*, and Earldom of *Hereford*, and placed him, * *Walter Lacy*, and others, to oppose the *Welsh*. To *Gherbod* a *Flenning*, he first of all gave the Town and County of *Chesler*, who by most urgent Affairs being called into his own Country, and by his Enemies kept Prisoner till death, he gave them to *Hugh* of *Amonches*, in his Youth a Profuse Libertine, Son of *Richard* Surnamed *Goz*, who with *Robert de Rodent* and others, shed much of the *Welsh* Blood. [7.] To *Roger Montgomery*, he first gave *Arundel*, and then *Chichester*, and afterwards the County of *Salop*. To *Walthef* he gave * *Northampton* and *Huntington*, with his Niece * *Judith*. To *Walter Giffard* the County of *Buckingham*.

(4) He was the Conquerors Standard-bearer.

(5) *Richard de Abridge*, Surnamed *Goz*, Father of this *Hugh*, was Son of [3.] *Thurstan* *Goz*, Son of *Anfrid* a *Dane*; [4.] and this *Hugh* Surnamed *Lupus* was Sister Son to *William the Conqueror*.

(c) *Judith* [3.] was Daughter of the Countess of *Albemar*, the Conquerors Sister by his Mother.

[4.] *Knighon*. Col. 1376. n. 60. [5.] *Gemes*. lib. 8. cap. 37.

To

[1.] S. Dunelm. Col. 103, m. 31. A. D. 1071. The Bishops and Noblemen made Prisoners, and miserably.

[2.] *Ingulph*, fol. 112, b. n. 42. *Ingulph* gives a different Account of the Defence of the Isle of *Ely*.

[3.] *Ibidem*, fol. 111, b. n. 20. [4.] The Conqueror divides the Nation amongst his Followers.

[5.] *Ibidem*, fol. 112, b. n. 10. b. n. 11. And disposed all the Temporal and Ecclesiastical Pref. to his Normans.

[6.] *Ord. Vit.* 1. d. 134. A. *William Fitz-Osbern* Earl of *Hereford*, &c. *Gherbod* Earl of *Chesler*. After him *Hugh Arundel*.

[7.] *Ibidem*. B. C. D. *Roger Montgomery* had *Arundel*, *Chichester*, and *Shropshire*.

* *Ibidem*. C. *Walthef*, *Northampton* and *Huntington*.

C. *Walter Giffard* Earl of *Buckingham*.

* *Ros*, *pene* *Episcopus* *Ellen*. *Walter Lacy*, who? *Hugh Lupus*, who?

[3.] *Gemes*. lib. 7. cap. 6.

d.
William Warren
had Surrey.

e.
Ralph Guader
had North. or
the East
Angles, &c.

f.
Odo Earl of
Kent.

[8.] Ord. Vi.
122. D.
[9.] Ibidem.
[1.] Judiciary
of England.
[2.] Malms.
61. b. m. 13.
[3.] Domesd.
in the several
Counties.
Odo had 439
Lordships of
the Gift of
his Brother.
[4.] Ord. Vi.
123. A.

Geoffry Bishop
of Constance
had 180 Lord-
ships.
[1.] Hoveden,
243. b. m. 47.
[2.] Malms.
88. a. 46.
[3.] Domesd.
in the several
Counties.
Robert Earl of
Norman and
Cornwall in
England, half
Brother to
William, had
793 Lordships
of his Gift.
The Earl of
Richmont.
[8.] Vincem.
fol. 57.
[9.] Ord. vi.
fol. 544. C.

[6.] Ibid. lib.
8. cap. 57.
William Warren,
who?
[7.] Ibidem.
cap. 56.
[8.] Prol.
will. Gal. 137.
[9.] Ord. vi.
Prol. 535. C.
Ralph de Guader
or Guader,
who he was.
He had 176 Lordships
of the Gift of the Conqueror.

To William & Warren the County of Surrey. To Odo Son of Ted-
bald, Earl of Blois, that Married King Williams Sister, he gave Hol-
derness. To Ralph & Guader the Earldom of Northwic or the East-
Angles. To Hugh de Grentmesnel he gave the Town of Leicester;
and to many other Noble Persons he distributed many Cities and
Towns, with great Power and Honours. To Hen. de Ferrariliu
the Cattle of Turbury; and to many Strangers and others of mean
Quality, he gave many and great Honours, insomuch that they had
here in England Clients and Dependents far richer and more power-
ful than their Fathers were in Normandy.

His Brother Odo, by the Mothers side, received from him the
Earldom of Kent, [8.] was a Count Palatine, and gave Laws as
Viceroy, or [9.] second King, and was Judiciary [1.] of Eng-
land, the chief Man for Administ'ring Justice under the King; and
after the death of William [2.] Fitz-Osbern, he was Vice-Dominus
or Vidame of all England under the King. Besides those in Kent,
[3.] where he had 184 Lordships or Farms, he also had in Essex
39, in Oxfordshire 32, in Hertfordshire 23, in Buckinghamshire 30,
in Worcestershire two, in Bedfordshire eight, in Northamptonshire 12,
in Nottinghamshire five, in Norfolk 22, in Warwickshire six, in
Lincolnshire 76; in all 439.

To [4.] Geoffry Bishop of Constance in Normandy, who was often
his Lieutenant-General after the Battle of Hastings, he gave 280
Maners, which he left to his Nephew Robert Molbray, made Earl of
Northumberland by William the Conqueror, after the death of Wal-
cher Bishop of Duresm, who had the Government of it.

Robert also Earl of Moreton in Normandy, and by his Mother, Bro-
ther to William, had the Earldom of [6.] Cornwall given him, and
in that 248 Maners, [7.] in Suffex 54, and the Burrough of Pe-
vensey, in Devonshire, 75, and a Church and House in Excester, in
Yorkshire 196, in Wiltshire five, in Dorsetshire 49, in Suffolke 10, in
Hantsire one, in Cambridgeshire five, in Hertfordshire 13, in Buck-
inghamshire 29, in Gloucestershire one, in Northamptonshire 99, in
Nottinghamshire six; in all 793.

And now while I mention these Earls and their Possessions, I shall
be somewhat more large in the Account I give of these two follow-
ing, that in some measure the Power and Authority of the Earls in
those days may appear. And first I shall take notice of [8.] Alan
Fergant Earl of Britane in France, whose Grandmother Havia was
Great Aunt to William the Conqueror; This [9.] Alan Married

(4) He was at some distance allied to the Conqueror, [6.] his Father having Married one
of the Nieces of Gonora, first [7.] Conquebus, and then Wife to Richard the First,
Duke of Normandy, and Great Grandmother to William; his Name he had from
[8.] Guarenna or Parema, a Place or River in the County of Calais or Calv.

(5) He was a Britaine, and called de Guader from [9.] Guader, now Guet. Cattle in
Britany, not far from Monsfort le Canne, of which Cattle he was Lord also near Rennes.

(6) He was Son of Guachim de [1.] Ferrarili, and though no Earl at the time of the
Survey, he had then 176 Lordships, Maners, or Farms, besides Turbury Castle, [2.] in
several Counties, whercof in Darshire 114.

[1.] Ibidem, 121. B. Hen. de Ferrarili, who he was. [2.] Domesday-Book.
He had 176 Lordships of the Gift of the Conqueror.

Constance,

Constance, Daughter to King William, to [1.] whom in the third
year of his Reign, at the Siege of York, he gave all the Lands of
Earl Edwin in Yorkshire, in these words. [2.] Ego Gulielmus cogno-
mine Bastardus Rex Anglie do & concedo tibi 8 Nepoti meo Alano
miti Britannie, & heredibus tuis in perpetuum omnes villas, & terras,
que nuper fuerunt Comitibus Edwini in Eboracra, cum feodis militum, &
Ecclesiis, & aliis libertatibus, & consuetudinibus ita libere, & honorifice,
sicut idem Edwinus eadem tenuit, data obsequio coram Civitate Eborac.

(That is) I William, Surnamed Bastard, King of England, give and
grant to thee thy Nephew Alan Earl of Brittain, and thy Heirs for
ever, all those Towns or Villages, and Lands, which were lately
Earl Edwin in Yorkshire, with Knights Fees and Churches, with
other Liberties and Customs, as freely and honourably, as the same
Edwin held them; Dated in the Siege before York. These Lands
when given, were [3.] Gildable, (that is) paid a Rent, Tax,
or Custom to the King; but by his favour they were changed into
a Liberty or Honour, which was the Northern part of Yorkshire,
now called Richmondshire. Being possessed of these Lands, he built
a Castle [4.] and a Place of Strength by his Capital Manfion of
Gilling; for the defence and safety of his People and Tenents against
the English and Danes, then thrust out of their Estates and Inheri-
tance, and named it Richmond, according to the French denomi-
nation, which signifies Rich-Mount or Hill, it being situated upon
the highest and most pleasant part of all that Territory.

For the guard and security of this Castle, his chief Tenents had
their several Places assigned them, and had several Knights Fees
given them for their Service, thus set down in the Register, or Book
of Richmond in Cottons Library.

Places Ranulphi fil. Roberti in Castro Richmond ad Capellam Sancti
Nicholai, six Knights Fees; This and the rest I shall render in Eng-
lish as there mentioned.

The place of Ranulph Fitz-Robert in the Castle of Richmond by the
Chappel of St. Nicholai.

The place of the Constable in the Keep, he had six Knights Fees
and an half.

The place of Brian Fitz-Alan, in the great Hall of Scotland.

The place of Torphin Fitz-Robert of Mansfield, between the Kit-
chin and Brew-House.

(8) He Married the Conquerors Daughter Constance, but why he called him his Nephew,
I know not.

(5) Honour was feodum Nobile, beneficium Regale, in these ancient times granted by the
King for great Services done, or to be done, it was the same sometimes with the Parony
or Earldom it self; sometime it signified the Jurisdiction of them, and other some the
caput Baroniae, the chief Seat, Cattle, or place of Residence of the Earl, or Baron, and
was never then attributed to small Barones.

(1) This was the general practice of the Normans, to whom the Lands of the English were
given, especially of the great ones, and of the Conqueror himself, who was at vast Ex-
pences in building very many Castles.

The

[1.] Ex. Reg.
Honori. de
Richmond in
Bib. Cotton
fol. 283. Fau-
stini. 4. 7.
fol. 71.

[2.] Ibid. &
Camden in
Richmondshire.
The Conque-
rors Grant to
the Earl of
Brittain.

[3.] Ibid. in
Regist'ro de
Richmond.
h.

[4.] Ibidem,
Richmont
Castle built.
Why so called.

It was Guard-
ed by the
Earls Te-
nents.

The Establish-
ment of the
Guard of
Richmont
Castle.
Ibidem inter
feoda mili-
taria.
He had six
Knights Fees.

Ibidem inter
feoda mili-
taria.

He had four
Knights Fees,
and a sixth
part.
He had three
Knights Fees,
and a sixth
part.

An Honour,
what it was.
The general
practice of
the Normans
in building
Castles for
their own
safety.

He had three
Fees, and a
sixth part.

The place of *Ralph Fitz-Henry*, on the West part of *Scotland Hall*.

He had three
Fees, and an
half.

The place of *Conan Fitz-Helias*, by the *Keep* on the East side without the Wall.

He had two
Fees, and an
half.

The place of the Chamberlain, on the East part of *Scotland Hall* by the Oven.

He had two
Fees.

The place of *Tho. de Burge*, on the West part of the great Chapel, by the Cannons in the Wall.

[5.] *Ibid. B.*

He had in this part of the Honour of *Richmond* in *Yorkshire* [5.] 68 Knights Fees and an half, and had here at the time of the Survey 166 Lordships, Maners, or Farms; in *Dorsetshire* one, in *Essex* eight, in *Hants* two, in *Cambridge* 63, and ten Burgages or Dwelling-Houses in *Cambridge*, in *Hartfordshire* 12, in *Northampton* one, in *Nottinghamshire* seven, in *Norff.* 81, in *Lincolnshire* 101; in all 442. All his Tenents ought Suit and Service to his Court, and for this Honour, and under the Title thereof, there were Courts kept for the Tenents of it several Counties every three weeks, and are kept to this day in *Norff.* And the Jurisdiction of these, and the like Courts usually extended no farther than to some Personal Actions between the Tenents and such matters as appertained to the Lands belonging to the Honour; and most probable it was, that all these Tenents of these Lands (as also in all other Fees where the chief Seat or Head of them was a Castle) did watch, and were bound to Castle-guard at appointed times; as may be gathered from what will be said next concerning the Earls of *Chester*.

Tenents
bound to
Castle-Guard.

[6.] *Ord. Vit.*
Fol. 512. A.

The first [6.] whereof was *Gherbod a Flemming*, made Earl by *William*, Anno Dom. 1070. who going upon an Expedition into *Flanders*, fell into the hands of his Enemies, and was there detained Prisoner all his Life, upon whose restraint the Conqueror created *Hugh de Abrincis* Earl of *Chester*, who with *Robert Roelent*, and *Robert de Mulo Passu*, and others, shed much *Welsb* Blood; [7.] he was a Man of great Note amongst the *Normans* at that time, and an expert Soldier, and therefore placed here to restrain the Incursions of the unconquered *Welsb*; This Earldom was given to hold as freely by the Sword, as the King held *England* by the Crown. 'Tis commonly storied he had several [8.] Barons under his Jurisdiction, but whether they were so or not, there were many that held great Estates of him, and had shares and Commands in the Government of this petty Kingdom; amongst whom these were chief.

k.
l.
[7.] *Ibidem.*

[8.] *Monast.*
Angl. vol. 1.
p. 201.

[1.] *Gemet.*
lib. 7. cap. 6.
Hugh Earl of
Chester, who
he was.

[2.] *Ibidem.*

[3.] *Ord. Vit.*
669. C.

Robert Roelent,
how he was.

[4.] *Ibidem.*
B. C.

(k) He was Son of *Richard* [1.] Surnamed *Goz*, *Vicomtes de Abrincis*, or Viscount of *Auranches* in *Normandy*, whose Father was *Thurifane* [1.] Surnamed *Goz*, Son of *Anfrid a Dane*.

(l) He was Son of [2.] *Hunfrid de Tellilo*, who was another Son of *Anfrid* the *Dux*, and Governor of the Fortress the Conqueror erected at *Hastings*. This *Robert* was Cousin German to [4.] *Richard de Abrincis*, Father to *Hugh Lupin* Earl of *Chester*, and was Commander in Chief at the Siege of *Rochelester* Castle.

Robert

Robert Fitz-Hugh, [9.] whose Seat was at *Depenbach*, now called *Malpas*, who held of him 31 Maners, part of Maners or Towns.

William de Maldebenge, whose Seat was at *Wickmalhanc*, now called *Nantwich*, held 47 Maners, &c.

William Fitz-Nigel, called sometimes *Constabularius*, had his chief Seat at *Heleton*, now *Halton Castle*, and held of him 29 Maners, &c.

Richard de Vernon, whose Seat was at *Shipbrooc*, held of him 17 Maners, &c.

Hugo de Mara held 14 Maners, &c.

Hamo de Mafci, whose Seat was at *Dunham*, commonly called *Dunham-Mafci*, held 10 Maners, &c.

Bigor de Loges held 12 Maners, &c.

Gilbert Venator or *de Venables*, whose Seat was at *Knarderton*, held 19 Maners, &c.

Robert de Roelent, whose Seat was *Roelent*, or *Ruthelan*, Castle in *Flintshire*, from whence he had his Surname, held 16 Maners, &c.

This *Robert* was General to *Earl Hugh*, who for fifteen years together checked the *Welsb*, and dayly gained upon them, and enlarged the Conquerors Territories, [5.] but at last, after many sharp Conflicts, and bold Adventures, hazarding himself too far, with no more than one Soldier, he was unhappily slain. He held *North Wales* in Farm of King *William*, at the Rent of 654 per Annum, [6.] besides *Ros* and *Rewinior*, extending twelve Miles in length and four in breadth, which he held in Fee. After this manner *William* placed several others in other parts of the Borders of *Wales*, giving them great Possessions in Land. These Earls of *Chester* had all Royal Officers, and in State differed very little from Kings; As will be shewn more at large concerning *Earl Ranulph* in the Reign of King *Stephen*, in whose time he lived.

All other Earls likewise had their great Officers of State, though they lived not in the same Magnificence as these Earls Palatine did, and the manner of Investiture into that Dignity then, was by girding them with the Sword of the Country, as [7.] *Mat. Paris* observes.

Earls, as also [8.] Barons, in these times had every one their Castles very well fortified, and endowed with many Priviledges, which were called the Head of their Baronies. And thus much shall suffice to shew the grandeur of the Nobility under *William*, which continued many Ages after him; From this Digression, I return to the History it self.

D d

William

[9.] *Domesday*
in *Cheeshire*,
where all the
Places are
named.
Barons, or re-
puted Barons
of *Cheeshire*.

Robert Roelent
General to
the Earl of
Chester.
[5.] *Ibidem.*

[6.] *Domesday*
in *Cheeshire*.

Earls had their
great Officers
of State.

The manner
of Investiture
of an Earl.
[7.] *Fol. 154.*
p. 54.

[8.] *Sprin.*
Glossar. verb.
Baro,
Earls and Ba-
rons had ge-
nerally
Castles, &c.

[9.] *Sim. Dun. Col. 103, m. 50. A. D. 1092.* William the Conqueror invades Scotland. King Malcolm submits.

[1.] *Ibidem. Col. 103, m. 10.* [1.] *Ibidem. Col. 103, m. 40.* The County of Maine revolts, and is reduced.

m.

[3.] *Ibidem. Col. 108. 9. Malmsb. fol. 59. m. 20. Florent. Wigor. A. D. 1072.* The Conspiracies of Ralph Guader.

[4.] *Ibidem.*

He flies.

Norwich Castle yielded.

[6.] *Hew. Huntingdon. fol. 211. b. n. 40.*

[7.] *Sim. Dun. Col. 109, 210. A. D. 1078.* Robert eldest Son to William rebelled against his Father. Unhorsed, and hurt him in the Arm.

Norman Cousins brought into England.

[6.] *Domus. C. de Ebor. Terr. Hug. Com. in manu. Roeland. Atter. Hinder.*

William having settled England in quiet, invaded Scotland by Land and Sea, with design to subject it to his Government, for that King Malcolm had grievously offended him, and the year before had entered England, and cruelly wasted the Borders thereof with Fire and Sword. But so soon as he had entered Scotland, King Malcolm met him at a place called *Abernithi*, yielding to him, and held his Kingdom as in subjection to him. At his return William displaced [1.] *Gospatrick* from the Earldom of Northumberland, and gave it to *Waltheof* the Son of Earl *Seward*. About this time the County of *Main* [2.] revolted from William, who went over into Normandy, and by the help of the English he carried with him, and some Forces he collected in Normandy, he soon reduced it to obedience. [3.] In his absence *Ralph Waher* or *Guader*, ^m *Roger de Britolio*, ⁿ Earl of Hereford, and *Waltheof* the great Earl of Northumberland, meeting at *Isninge* near *Newmarket*, on *Ralph's* Wedding day, (who married, against the Kings Command, *Emme* Sister to the Earl of Hereford) Conspired against William to deprive him of the Kingdom; and having raised what Forces they could in their several Counties, [4.] endeavoured to join them; but *Wulfstan* Bishop of Worcester having notice thereof, got what Strength he could together, and hindered the Earl of Hereford for passing *Severn* with his Army, *Agelwin* Abbat of *Evesham*, *Urso* Sheriff of *Worcestershire*, and *Walter de Laco*, a great Baron of Herefordshire, coming with what Power they could raise to the Bishops Assistance. [5.] And as these prevented Earl *Roger* in his Proceedings: so *Odo* Bishop of *Batenz*, and *Galfred* Bishop of *Constance*, with an Army of English and Normans marched against Earl *Ralph*, whom they found entangled near *Cambridge*, and not being able to give them Battle, he fled to *Norwich*, and soon after got into *Brittany*, and from thence into *Denmark*, leaving his Forces to the Mercy of their Enemies, of whom the *Christians* following some were banished, some had their Eyes plucked out, others their Hands and Feet cut off; And *Norwich* Castle being kept by his Countess, was a while after rendered, and leave given to her to go beyond Sea. [6.] In *Denmark* he prevailed with *Cannise*, Son to the King, and *Hacn* a great Earl of that Country, to assist him against William; he sailed to England with 200 Ships, but when they came upon the Coast, finding an Army ready to receive them, they diverted their Course, and landed in *Flanders*. Some few [7.] years after this, his eldest Son *Robert*, to whom he had given Normandy in the presence of *Philip* King of France, before his Expedition into England, applies himself to *Philip*, and by his Assistance entered Normandy with an Army, and would have made himself Duke thereof. King William hearing hereof, passed with an Army into Normandy, where in Battle meeting with his Son hand to hand, he was by him unhorsed, and hurt in the Arm; but his Son perceiving by his Voice, it was his Father, suddenly leaped off his Horse

(m) So called from Guader Castle in Brittany.

(n) Breteuil a Seignory in Normandy of that name, he was Son to William Fitz-Osbert Lord of Breteuil in Normandy, and Earl of Hereford in England, and from him it was, that the [6.] same Laws and Customs which were observed in Breteuil, were also observed and practised in Hereford after the Conquest.

and

and mounted him again, permitted him [8.] to march off with his Son William, being wounded, leaving many of his Followers dead behind him; yet not long after, by the Mediation of the Norman Nobility, [9.] they were reconciled, and both came over into England. Robert being sent General in an Expedition against [1.] *Malcolm* King of Scots, who having invaded the borders of England, retreated upon the approach of Robert. *Ingulph* * says, that Scotland was then subjected to William, and that Malcolm did Homage and Swear Fealty unto him at *Abernithi*. Robert at his return built a Castle upon the River *Tine*, from whence the Town of *Newcastle* took its name. The Conqueror erected many Castles, amongst which the Tower of London was one; This he did, and all his Earls, Barons, and other Great Men after his example, to secure themselves from the Attempts and Insurrections of the English. Towards the latter [4.] end of his Reign, for the four years he survived his Wife *Maud*, he was for the most part in Normandy, being constantly in War and Diffention with his Neighbours, especially with the King of France, who in a Sickness of King William, jeered him for his fat Belly, and said he Laid in at *Rouen*; who to shew the King of France his up sitting, [5.] entered his Country in the last week of July, and time of harvest, and wasted it all the way he went; and coming to a Town called by *Ordericus* * *Mandantum*, and by *Gemei-* *censis* *Medanta*, he sacked it, where with too much heat and labour, the Castle, Churches, and Houses being burnt by the fury of his Soldiers, he fell into the Sickness, of which he died upon [6.] the Ninth of September, Anno Domini 1087.

While he was thus employed in Normandy, he had notice that [7.] *Odo* his half Brother, whom he had made Bishop of *Bayux* and Earl of *Kent*, aspired to the Papacy, and that he had bought a Palace at *Rome*, whither he was going with a great Retinue of Normans, and much Treasure; [8.] on a sudden and unexpectedly meeting him in the Isle of *Wight*, as he was ready to take the Seas, [9.] with his own hands seized on him, when he could not persuade those with him to do it; who saying he was a Clerk, and could not be Sentenced without the Judgment of the Pope, the Conqueror answered, he seized him as Earl of *Kent* and his Viceroy, and not as Clerk or Bishop: All his Treasure was taken from him; and the Crimes objected to him were infinite Oppressions of the People under his Government, Seduction of the Kings Subjects to forsake the Realm, and for Sacrilegious robbing many Churches; He was sent Prisoner to the Castle of *Rhoan*, where he continued until the death of William; who as he [2.] brought in the Norman Laws, and caused all Pleadings, and what concerned the Law to be done in *Norman French*, so at that time the way of P transferring Land was changed. [3.] In

(*) Where this *Mandantum* or *Medanta* was, I cannot well say, unless it be *Mant* upon the River *Sey* between *la Roche Guion* and *Meulan*, the Conquerors direct way or passage into the Country called *Vexin Francoi*, which he then [9.] claimed of the King of France, and made this Expedition to recover.

(*) Ielden upon this passage and observation of *Ingulph*, somewhere in his *Fama Anglorum*. Admires the honesty and simplicity of those times, and seems not to be well satisfied with the Intricacies, Practice, and Tricks of the Law, and manner of Conveyances of Land in his and our times; but this Practice contains somewhat more than that, it was an investiture and Gift, or Pledge of Investiture of Feudal Estates in those times; it being a vestiture and Gift, of Pledge of Investiture of Feudal Estates in those times as a [6.] Custom that the Lord or Patron of a Fee should deliver his Vassal something as a Monument and Token of his Investiture, that if any Controversie happened concerning his Possession, he might produce it as a Testimony against him.

[1.] See my Preface to this History. The Norman Laws and way of Pleadings established here.

[1.] *Ingulph. Hylor. Croylant, fol. 512. b. n. 30.*

D d 1

former

[8.] *Ibidem. Col. 108. n. 10.* They are made Friends. [9.] *Orderic. 173. B.* And Robert sent General against Malcolm King of Scotland.

[1.] *Sim. Dun. Col. 2. i. m. 60.* * *Hyl. Croyl. fol. 516. a. n. 50.*

The Castle upon *Tine* built, whence *Newcastle* hath its name.

[2.] *Stow. fol. 40.*

[3.] *Gemei. lib. 7. c. 42.* [4.] *Ord. Vit. fol. 68. B.* The King of France [5.] King William.

O.

[5.] *Ibid. 655.* D. 656. A.

Gemei. lib. 7. c. 44.

King William enters his Country.

[6.] *Ord. fol. 60. D.*

King William dies.

[7.] *Ibidem. fol. 60. D.*

[8.] *Ibidem. fol. 647. A.*

[9.] *Ord. fol. 647. C.* Anno Domini 1087.

William seizes his Brother *Odo* with his own hands.

As Earl of *Kent*, not as a Clerk or Bishop.

The Crimes of *Odo*.

P.

[1.]

[5.]

[9.] *Ord. v. fol. 655. B.*

Feudal investiture.

[6.] *Bottom. in lib. feud. 2. Tit. 17. S. 7.*

By delivery of a Sword, Bow, Arrow, &c.

[9.] The Books: the chief.

* Append. n. 10.

C. That part of *Lancashire* between the River *Messey* and *Ribble* was laid so and described in *Chester*, the other part was described in *Yorkshire*. [1.] Little *Domesday*, fol. 450.

d. c. f. In the Appendix are two Catalogues of all the Tenement, or as they may be called, d. Proprietors names in this Survey, one Alphabetical, the other as they are found before the Description of every County.

Domesday Book why so called,

* P. 41. b.

Domesday from the Saxon *Dome* *Bordari* what they were. [7.] *Custom*. *Norm. Gloss.* sup. c. 28.

Servi what they were. [8.] *Spelm. Gloss.* fol. 513. col. 2. See more what Villans were in after times in the *Glossary*.

in every Town and Maner, and who they belonged to. Always in every County setting down [9.] the Kings name first, and after him all his great Men in order that held of him in chief, with numbers placed before them for the better finding them in the Book, as may be * seen in the Catalogue of Tenents in chief, or the Possessors of Lands at the time of the Survey there following. All England except three Counties, of *Westmorland*, *Cumberland*, and *Northumberland*, was described, and part of *Wales*, and the Description or Survey written in two Books, called the great and little *Domesday-Book*, remaining in the Custody of the Vicechamberlains of his Majesties Exchequer.

The little Book contains only the Counties of *Norfolk*, *Suffolk*, and *Essex*, this Survey was begun about the Fourteenth year of the Conqueror, and finished [1.] in the Twentieth of his Reign, Anno Domini 1086. To make the manner of the Entries in these Books more clear, I shall give one or two Examples.

Easessa. Terra Regis dimid. hundred. de Witham. tunc tenuit Haroldus T. R. E. pro Maner. & pro 5 Hidis tunc 21 Villan. modo 15 tunc 9. Bordar. modo 10 Tunc 6 servi modo 9 tunc 23 Sochemanni & modo similiter tunc inter totum valebat 10 lib. modo 20 sed Vicecomes inter suas consuetudines & placita, de dimid. hundred. recipit inde 34 lib. & 4 lib. de Gersuma, in hoc Manerio adiacebant T. R. E. 34 liberi homines qui tunc reddebant 10 sol. de consuetudine & 11 d. ex illis tenet Ilbodius 2 de 45 acr. & val. 6 sol. & redd. Maner. suam consuetudinem. Tedricus Pointel 8 de dimid. Hid. & 22 acr. dimid. reddentes consuetud. Ranulph Piperel 10 de 2 hid. & 45 acr. non reddentes consuetudinem. Wilhelmus Grosse 5 & unus tantum reddit consuetudinem, & val. 3 lib. 13 s. Rad. Baignard 6 & unus reddit consuetud. & val 20 s. Homo Dapifer 1 de dimid. Hid. & val 20 s. Goscelinus Loremarus habet terram unius & non reddit. consuet. & c. modo custodit hoc Manerium.

(c) There was no receding from, or avoiding what was written in this Book, and therefore ob hoc (as * Gervase of Tilbury says) nos eundem librum judicium nominamus, non quod in eo de propositis aliquibus dubiis seruat sententia, sed quod ab eo sicut ab ultimo die iudicii non licet ulla ratione descedere.

(d) What these Villaines were, see in the letter (f) here following.

(e) *Bordarii* from the French *Bordier*, a Villan or Cottagers, and that from *Borde* a little house, or Cottage in the Fields, &c. [7.] *Bordage* was a Tenure, where such a House or Cottage was given to any one to do any base Service for his Lord, as to be an Executioner or Hangman, or other base Service, and he who had any thing given him after that manner, could not sell, give, or engage it, for that it was given him to hold after that form.

(f) *Servi*. Servants, or rather Slaves, (for *Servi* in Classick Authors never signifies otherwise) were of [8.] two sorts, better or worse, or Predial and Personal, Predial although they were of a servile Origin and Condition, yet they possessed their Lands and Goods at the will of the Lord, performing such rustick and servile works as were commanded them, in Villages or Villages, from whence they were called *Villani*, such as are noted above. The Personal Servants or Slaves had nothing of their own, but what they gained was their Lords who fed and kept them. These and their Children were Slaves, the former probably by purchasing a certain Estate in their Lands, having by their industry grown rich, many of them became Freeholders, or at least Copy-holders of Inheritance; In process of time the word *Servus* was quite disused, and the word *Villanus* used to express both these sorts of People, unless *Nativus* or Bond-Servant or Man, might happily be used for the Personal Servant, which were the same with the German *Mancipia*, so frequently mentioned in their very ancient Laws, Charters, or Charters, and called by our Saxon Ancestors *AGEN-HINE*, that is *Proprius Servus*, ones Proper Servant.

Petrus

Petrus Vicecomes in manu Regis. Thus in English.

Easessa, Title in the top of Leaf, the Kings Land; and before the particular Maner or Town, the Hundred in which it lies is noted, as here the half Hundred of *Witham*. *Harold* held *Witham* in the time of King *Edward* for a Maner, and for five Hides, then there were 21 Villanes now 15, (for they set down what was in *Edward* the Confessors time, as well as in the Conquerors) then there were nine Bordars, now ten, then six Servants or Slaves, now nine: then there were 23 Sochemans, now the same number: then the whole was valued at 10 l. now 20 l. but the Viscount or Sheriff received from the half Hundred for his Customs and Mutes or for-seitures 33 l. and 4 l. for Fine or Income. In this Maner, or belonging to this Maner, or in the bounds of this Maner, there were in the time of King *Edward* thirty four Freeman, which they paid an accustomed Rent of 10 s. and 11 d. of these *Ilbod* holds two which had 45 Acres, and they were worth to him 6 s. and paid their old Rent to the Maner. *Tedric Pointel* holds eight, who had half a Hide, and twenty two Acres and half, paying Custom or old Rent. *Ranulph Piperel* holds ten, who had two Hides and 45 Acres, which paid no Custom or old Rent. *William Grosse* holds five, and only one of them paid Custom, and were worth to him 3 l. 13 s. (by the year is to be understood in all these Sums) *Ralph Baignard* holds six, and one paid Custom, they were worth 20 s. *Hamo* the Sewar or Steward holds one, who had half a Hide, and was worth to him 20 s. *Goscelinus Loremar* hath the Land of one, and pays no Custom; *Petrus* the Viscount or Sheriff keeps this Maner in the Kings hand.

Esessa Terra Regis Hund. de Beventre: Haveringas tenuit Haroldus T. R. E. pro 1 Maner. & pro 10 Hid. tunc 41 villan. modo 40 semp. 41 Bordar. & 6 servi, & 2 Car. in Domino tunc 41 Car. hominum modo 40 Sylv. D. porc. C. acr. pratt modo 1 Molin. & 2 Runc. & 10 animalia & 160 porc. & 269 ov. hinc Maner. adiacebant 4 lib. homines de 4 Hidis: T. R. E. reddentes consuetudinem, modo ten. 3 Hid. Rob. fil. Corbutionis Hugo de Montefori quartam hidam & non reddidere Consuetudinem ex quo eis habere, &c. Hoc Maner. val. T. R. E. 36 l. modo 40. & Petrus Vicecomes inde recipit 80 l. de censu, & 10 l. de Gersuma.

Essex, Title as before, the Kings Land, the Hundred of *Beventre*. *Harold* held *Haveringe* in the time of *Edward* the Confessor for one Maner and ten Hides: then there were forty one Villans, now forty: there were always forty one Bordars, and six Servants or Slaves; and two Carucates in Demesne, or the Lords hands: there were forty one Carucates amongst the Men or Tenents, now forty: Wood sufficient for 400 Hogs, 100 Acres of Meadow, now one Mill, and two Working-Horses or Pack-Horses, and ten young growing Beasts, and 160 Hogs, and 269 Sheep. To this Maner there belonged four Freeman, who had four Hides in the time of *Edward* the Confessor, paying an accustomed Rent; Now *Robert* Son of *Corbution* holds four of those Hides, and *Hugh* *Montfort* the fourth, and have paid no Rent since they held them. This Maner was worth 36 l. now 40. And

The way how the Towns, Maners, or Lordships were entered in the Survey.

Another Example of the Entries in *Domesday*.

And Peter the Viscount or Sheriff receives from it 80 l. for Rent, and 10 l. for an Income or Fine.

These two Instances are sufficient to shew the method which was used in making *Domesday-Book*, but all Entries in it are not alike, they being more or less exact and particular in some Counties than others, according to the care, diligence, and industry of the Commissioners and Scribes.

A second Branch of the Conquerors Revenue.

A second Branch of his Revenue was Reliefs or Fines for giving the possession of Hereditary Fees, assignation of Dower out of the Husbands Estate, composition for Licence to Marry, and to have the Wardships of Heirs, or entrance upon Farms due to him from all Tenants in chief, by the Feudal Law of all Nations, where there were Fees as incident to that Tenure; (but by our Lawyers said to be by the Common Law of England) These were called *Oblata* [9.] *Spontanea*, Free Offerings or Biddings for such a thing before mentioned, and are such as are entered by themselves upon the *Oblata* Rolls of King John and Henry the Third. And also when the King accepted what was offered, they were called Conventions, Bargains between the King and Offerer. [1.] *Havista* Countess of *Albemarle* gave 5000 Marks to have the possession of her Inheritance and Dower. [2.] *Robert Fitz-Roger* gave 300 Marks for a Fine for Leave to Marry his Nephew to the younger Daughter of *Hubert de Rie*. [3.] *William de Warenn* gave 3000 Marks for the Wardship or Custody of the Lands of *Gilbert de Aquila*; and for the entrance into Farms. *Gersunna*, an Income, is often found in *Domesday*, as paid to the [4.] Sheriff of the County, who in these elder times stood charged in the Exchequer with the Kings Rents and Revenue, all perhaps but the *Oblata* or *Conventiones*, and some Fines or Mulcts that were charged upon particular Persons.

These were great Sums in the time of King John, but greater in the Conquerors time. And if we consider the frequency of these Payments, most of the Lands in England being of this Tenure, we must also think of the greatness of the Revenue arising from hence.

Also Penal Fines may be accounted part of this Branch. John Earl of Warren had a [5.] Fine of 10000 Marks laid upon him for assaulting and wounding Sir Alan Zouch and his Son in Westminster-Hall. [6.] Hugh Despencer paid a Fine to the King of 2000 Marks for Marrying Isabel Widow of Patrick Chaworth, Daughter of William Beauchamp Earl of Warwick, without Licence.

Likewise to this Branch may belong all Forfeitures of Goods, and pecuniary Mulcts for Crimes, (Murder not excepted, which was then Penal, in some Hundreds it was 36 l. in others 24 l. according to the largeness of the Hundred) all Fines and Pecuniary Punishments for Negligences, Omissions, Misdemeanors, Trespases, Batteries, Fightings, Woundings, &c. which were all redeemed and satisfied by Penalties and Fines, as well now as in the Saxon times; and no Suits, or very few Actions brought for them; but when Actions began to be frequent for these things, they still retained some shadow of the Kings Prerogative in them; for in every Writ at this day, wherein

* *Gerv. lib. 1. c. 23.* Murder Penal, and punished by Pecuniary Mulct.

are these words, *Vi & Armis*, by Force and Arms, or *Contra pacem Domini Regis*, against the Peace of our Lord the King, if the Action comes to Trial, there are some small inconsiderable Fines due to the King, but whether ever paid into the Exchequer is a Question, yet they are always levied by the Sheriff upon a *Capiatur* issuing out of the Office of that Name. Compositions or Money paid to the King to have Trials and Judgments in many Controversies, (which in these times were common and incident to the Tenure) and Money paid for Liberty to sue and take forth Writs may be reckoned part of this Branch.

[7.] *William de Statevill* gave 2000 Marks, [8.] *pro judicio habendo*, to have Judgment in the Barony of *Fronnebof*, in a Controversie between him and *William de Albany* concerning that Barony, which was determined by the Council of the Kingdom, and Will of the King, and Peace and final Concord made between them. [9.] *William de Latimer* gave 100 s. to have a Trial at Law with *Galfred de Valoins*, who had possessed himself of part of his Park. And many considerable Sums of Money I have met with given to obtain Writs in several cases in the times about and near unto the Conquest. And this may be the reason why *Glanvil* so very often in his Treatise of the Laws and Customs of England, hath these words, *Petens ac querens perquirat breve*, the Demandant or Plaintiff may purchase a Writ. Hence 'tis probable at first came the present usage of paying 6 s. 8 d. where the Debt is 40 l. 10 s. where the Debt is 100 l. and so upwards in Suits for Money due upon Bond.

The last thing which may fall under this Branch were Tolls and Customs for Passage and Pontage. Tolls and Customs for Liberty of Buying and Selling. Excise or Tolls and Customs upon [1.] *Vi-ctuals*, and many other things; Besides the ancient and greater Customs (which are properly so called) upon Merchandises. This Toll for Liberty of [2.] buying and selling, for freedom of Markets and Fairs, and protection in going to, and coming from them, was also in the Saxon times before the Conquest; Therefore it was that Markets and Fairs were then kept, and all things sold in good [3.] Towns, Castles, and Ports only, in the presence of the Magistrate of the place or Kings Officer. And it was by Law Established in the [4.] Conquerors time, that no Market or Fair should be permitted but in Cities, Burghs, Walled Towns, and Castles, where the Customs of the Kingdom, the common Right of the King, and Dignity of his Crown, as they were Constituted and Established in the times of his good Predecessors, might not be lost or violated. [5.] Tolls were Originally imposed according to the value of things, sometimes an eighth part, sometimes a twentieth, sometimes a fortieth; and were ever paid by [6.] *Romans, Britains, Saxons, Germans*, and perhaps all other Nations. After this rate in the Conquerors time they were of some value. These were generally farmed both before and after the Conquest. Yet Edward the Confessor kept in his own hands through all England, these three Forfeitures, as they are called in [8.] *Domesday*.

Money paid to the King to have Trials and Judgments.

[7] *Obl. 2. John. m. 14. Ebor.*
[8] *Hoved. fol. 45. b. n. 20, 30, 40.*

[9] *Rok. Pip. 2. Richard 1. Ebor.*

Tolls and Customs for what paid.
[1.] *Gerv. lib. 1. c. 21.*

[2.] *LL. Ed. Con. c. 24.*

[3.] *LL. Ed. Sen. c. 1. LL. Aithell. c. 12.*

[4.] *LL. Will. 1. c. 61.*

No Markets but in Cities, Burghs, Castles, &c.

[5.] *Dev. Rep. fol. 12. b.*

Paid by all Nations.

[6.] *Ibidem.*

[7.] *Lindbr. Colen. LL. vol. 2. ff. 11.*

Tolls were farmed before and after the Conquest.

[8.] *In Ch. v. Scitopetrie.*

E c

Breach

[2.] *Domest.*
[1.] *Civili.*
[1.] *Hereford in*
[1.] *Domest.*

Crown Lands
a third Branch
of his Revenue.

[1.] *Domest.*
[1.] *in the several*
[1.] *Counties.*

[1.] *h.*
[1.] *i.*
[1.] *Escheats.*

[1.] *P. 16. b.*
[1.] *27. d.*

The price of
Wheat, to
make 100
Men Bread
of a Sheep
4 d. &c.
A false Story
that Rents
were paid in
Victuals at
the Conqueror's time.

Custom of
Merchandise.

[1.] *Fol. 213.*
[1.] *B.*

* *Cal. 1381.*

* *P. 6. b.*

Breach of the Peace, Forstell, viz. Cutting Crofs, Hedging, or stopping up the Kings High-way, and a Hein-fare flight for Murder, or perhaps taking away another Mans Servant, for every of which there was paid One hundred Shillings.

A third Branch of his Revenue were Crown Lands, being 1422 Maners [2.] or Lordships, in several Counties; besides several Farms and Lands in *Middlesex, Shropshire, Herefordshire*, in the last of which he had also 150 l. of Rent in white Money. These with the *h* Escheats (which were Lands, and many times great Baronies) forfeited to the King for *i* Felony or Treason, or that reverted to the Crown for want of Heirs, which together with the Rents reserved out of the Baronies and Lands he gave to his Followers, raised a great Revenue in Money; For it cannot be altogether true which *Gervase of Tilbury* [3.] reports from Tradition, and the Current of Historians from him or one another, that only Victuals were paid for Rent all the Conquerors time, for the daily Provision of his Household, as Wheat, Beesves, Mutton, Hay, Oats, &c. of which the Kings Officers had a Roll of what quality and quantity every Mans proportion was in every County. And that in *Henry the First's* time, by Special Commissioners sent into every County, upon Complaint and Request of the Kings Tenents, the Victuals chargeable upon all Lands were rated at the usual price and the value of them paid in Money; which was after the rate of a Measure of Wheat to make Bread for One hundred Men, 1 s. for a Ram or Sheep 4 d. for Provender for twenty Horses 4 d. &c. This Story, I say, cannot be altogether true, if compared with *Domestick-Book*, where we almost every where find what Annual Rent in Money was paid to the Conqueror out of every Maner; our of some 10, 20, 30, 60, 80, 100 l. &c. as we see in the Examples before mentioned. Indeed in some of the Kings Maners or Honours, there are *firmæ duorum vel trium noctium*, &c. reserved, that is Entertainment or Provision for two or three nights, according to the old *Saxon or German* way of accounting time by nights, as we by days; and in some others there are so many Muttons and other Victuals reserved, but very rarely, and therefore 'tis most probable, that if ever there was such a practise of paying only Victuals instead of Rent, and that this Rent-Victuals was by Commissioners turned into Money, it was done by those Commissioners the Conqueror directed into every County, &c. to make the Survey.

To this Branch may be added the Customs of Merchandise, properly so called for liberty of coming in, and going out of this Ports, and passing upon and through his Seas. In short his Revenue was so great, that [4.] *Ordericus Vitalis* says, it was reported to be One

(b) Escheats in general are taken in * *Gervase Tilb.* for Reliefs, Wardships, and Marriage Fines also; but more particularly they are interpreted as above written.

(1.) The word used in the same * Author for Felony is *scelus* according to the old Feudist, and not *Felonía* according to later use.

thou.

thousand and sixty pound of * Sterling Money, thirty Shillings and Penny half Penny of the just Rents or Profits of England every day of the year, besides his Gifts and Presents and Pecuniary Pundments, which if we reckon ten times as much now, according to the forementioned rate of things in his Reign, his yearly Revenue amounted to 3874497 l. 16 s. 3 d. But allow it to be fifteen times so much now as then, as may very well be done and not over rate it, then his yearly Income was 5811746 l. 14 s. 4 d. & besides free Gifts, Fines, and Amerciaments for Offences. Besides this great Revenue, he had a mighty standing Army of Horse especially, with which he made good his Conquests without any Expence or Charge issuing out of his Revenue; [5.] for the same Author affirms, that he so distributed the Lands of England to his Followers and Soldiers, as he had 60000 Knights or Horsemen constantly at his Command to be employed in any Expedition he pleased. This estimate of Knights Fees, so Established by the Conqueror, is allowed by our great and Learned Antiquaries, [6.] *Sir Hen. Spelman*, [7.] *Sir Robert Cotton*, and [8.] *Mr. Selden*, with an Addition of 215 more. And this number of Knights Fees was the same or greater in the Fifth of *Henry the Second*, 1159. for then he took Scutage of England only to prosecute the Wars in France, One hundred and fourscore thousand pounds of Silver, if * *Gervase*, of *Canterbury* says, it may be credited. If there were then but 60000 Knights Fees, it was 3 l. or as they then reckoned, four Marks and an half upon every Knights Fees, a very high and unusual rate; but upon extraordinary occasions, as for maintaining of War, and paying of Stipendiary Soldiers, Scutage over and above the Revenue before mentioned was a common and usual Tax; we have both name and thing in *Gervase* [9.] of *Tilbury*. *Fit interdu, imminente vel ingruente in regnum hostium Machinatione, decernat Rex de singulis feudis militum summam aliquam, marcam scilicet vel lib. unam, unde militibus Stipendia vel Donativa succedant. Moxuli enim Principes Stipendiarios quani domesticos Bellicos apponere casibus. Nec itaque summa quia no mine Scutorum Solvitur, Scutagium nuncupatur.* That is, sometimes upon imminent danger or designs raised by Enemies against the Kingdom, the King may Decree or take upon every Knights Fee, a Sum of Money, (to wit) a Mark or one Pound, from whence arise the Stipends and Donatives of Soldiers; for the Prince had rather employ in his Wars Stipendiaries, than Domesticks. This Sum therefore because it was paid as for a *Scutum* (that is) a *m* Knights Fee, it was called Scutage; which though it was paid often afterwards, in all the elder Kings Reigns by common consent of the Kingdom, yet it was never certain, but sometimes one Mark, a Mark and an half, two, three, four Marks, &c. as will appear in the Sequel of this History.

(k) Sterling from the *Saxon* *STEAR*, signifying a Law or Rule, and *Zinge* an Addition common among the Saxons, rendering the word to which it is joined more significant; expressive, as in *Deurlinge*, *Wordlinge*, &c. so that Sterling Money is no more than good and lawful Money answering the Standard.
(l) *Sir Edw. Coke* transposeth these words, *Isitum* i. *Fol. 69. a.* and reads them thus, *perverting the sense of the Author* *Moxuli Principes Domesticos, quam Stipendiarios Bellicos apponere casibus.* Admiring the wisdom of Antiquity, that the Prince had rather be served in his Wars by his own Subjects than Stipendiary Foreigners.
(m) Knights Fees were called *Scuta*, from their Shields, a certain part of the Armour the always used; and therefore we see our ancient Kings, and great Men portrayed in a Military posture on Horseback, with a Shield upon their left Arm.

E e 2

k.
The Conquerors Revenue was 1060 l. 30 s. 1 d. every day in the year. 3874497 l. 16 s. 3 d.

His standing Army not paid out of this Revenue. [5.] *Thidem.* After what manner they were distributed, see the Preface here.

[6.] *Gloss. fol. 218. col. 2.*
[7.] Answer to the Reasons for Foreign Wars, p. 3.
[8.] *Tic. of Hon. fol. 173.*
* *Cot. 1381.*

[9.] *Lib. 1. c. 22. Th. Scutagium* &c. Scutage paid to maintain Soldiers.

m.

Somm. Gloss in verbo Effer. Imago. Scutagium, what it signifies, and from whence derived. *Sir Edw. Coke* perverts the Sentence. *Gervase of Tilbury.*

Nor

He brought the Clergy under subjection. [1.] *Mat. Paris*, fol. 7. n. 10. And the Church Lands under Military Service. And Quartered Soldiers in their Monasteries. [2.] *Jugulph. Croyl.*, n. 40.

* *Ballistarij.*

[3.] *Godefr. de Presul. Angl.*, p. 318. [4.] *Anno Domini* 1070. [5.] *Florent. Wigorn.*, f. 636. He visits the Monasteries. [6.] *Fol. 7.*

[7.] *Badmer*, fol. 6. n. 10. He brought in the Norman Laws, and made Norman Bishops in England. All things were done according to the Conquerors Pleasure. n.

[8.] *Florent. Wigorn.*, f. 636. *An. Do.* 1070. A Council at Winchester, wherein *Willelmus* was Deposed.

Nor did he think himself secure only by having all Persons in Secular Authority his Dependents, and at his Command: but he brought the Clergy also, Arch-Bishops, Bishops, Abbats, and all Degrees of that Function under his subjection, [1.] for he put the Bishopricks and Abbies which had Baronies, that is, great Possessions, and were before free from all Secular Service, under Military Service, and according to his will and pleasure appointed how many Knights or Soldiers they should find in time of War, and chased out of the Kingdom many Ecclesiasticks that opposed his evil Constitution, nor did he only charge their Lands with the Tenure of Knights Service, but also Quartered Soldiers [2.] which he had hired in France, *Almain* and *Spain*, in all Monasteries of England; in *Croyland* Abby he Quartered six *Milites* or Knights, and twenty eight Cross-bow-Men, that shot Stones and Darts out of * Cross-Bows, or perhaps the Officers of the Steel-Bow-Men, or Directors of the Management of the great Brakes or Engines, with which they battered Walls; in the Monastery of *Ely*, after the Isle was reduced, were placed forty, whereof *Bellasis*, Governor at least of the old Fort, called now by the Country People *Belfars-Hills*, if not General of the Forces against the Island, was one, and thirty nine more, all Officers or Men of Account, as by their Names and Arms appeareth in a Parchment Roll in the Custody of the Bishop of *Ely*, made in the time of *Robert de Orford* Bishop of *Ely*, who was [3.] Consecrated 1302. and died 1309. Nor did he think this enough to restrain the power of the Clergy, who then bare the chief sway in the Government; but by Advice of *William Fitz-Osbern* Earl of *Hereford*, and others of his Council, he searched the [5.] Monasteries of all England, and took away the Money which the richer sort of *English* had secured there, fearing his Austerity and Ravages, and commanded it to be carried into his Treasury. [6.] *Mat. Paris* says he robbed all the Monasteries of their Gold and Silver, and spared not their Shrines and Chalice; Nor yet did he think himself sufficiently secured from the great power of the Clergy in that Age, [7.] until having brought into England the Laws and Usages which he and his Fathers were wont to observe in *Normandy*, he had made such Men Bishops, Abbats, and chief Rulers through the whole Land; as might be thought very unworthy, if in all things, they submitted not to his Laws, or should in any wise oppose him; and therefore all Divine and Humane Matters were ordered according to his Will and Pleasure. To this purpose there was a great Council held at *Winchester*, eight days after *Easter*, at the Command of the King, he being present, and with the Consent of Pope *Alexander*, by his Legates *Herminfrid* Bishop of *Sedune*, and two Priests, Cardinals of the Apostolick See, *John* and *Peter*, producing his Authority. In this Council *Stigand* Arch-Bishop of *Canterbury* was Deposed for three Causes, to wit, because he unjustly possessed the Bishoprick of *Winchester* with the Arch-Bishoprick, and because he invaded the Arch-Bishoprick while Arch-Bishop *Robert* was living, and used his Pall which remained at *Canterbury*, in Celebrating Mass, when, by force he was unjustly put out of England, and received a

(*) *Sedune*, now by the Germans called *Sitten*, and the French *Sion*, and the Country about it *Stonon*; it is seated upon the River *Rijne*, before it falls into the Lake of *Geneva*.

Pall

Pall from *Benedict* whom the Roman Church had Excommunicated, for that by Money he had invaded the Apostolick See. [9.] *Malmsbury* says, with these two Bishopricks he also possessed many Abbies; who in this (as he conceived) did not commit a Sin of Judgment, but Error, for that he was a very illiterate Man, as were almost all the Bishops of England at that time. [1.] In this Council also *Agalmer* Brother of *Stigand*, Bishop of *East-Angles*, (his Seat being then at *Elpham*) was Deposed, and some Abbats; The King promoting that work, that he might put into their places Men of his own Nation, for the confirmation of his new Conquered Kingdom. [2.] He also kept in Prison some Bishops and Abbats all their Life time, without any evident Cause, being neither condemned by any Councils or Secular Laws, merely out of Jealousie and Suspicion of the safety of the Kingdom. On *Whitsunday* the King gave the Arch-Bishoprick of *Tork* to *Thomas Canon of Bayeux* in *Normandy*, and the Bishoprick of *Winchester* to *Walkefin* his Chaplain; and on the Morrow, by his Command, *Herminfrid* the Bishop of *Sedune*, the Cardinals being returned to *Rome*, held a Synod, in which *Aegrie* the Bishop of the *South-Saxons* was not Canonically Deposed, whom the King imprisoned at *Malborow* without any fault; There were then also (to use the Authors own Phrase) very many Abbats degraded. The Conqueror gave to his Chaplains *Herfastus* the Bishoprick of *East-Angles*, and to *Stigand* the Bishoprick of the *South-Saxons*, and gave the Abbies to his *Norman* Monks. [4.] He would not suffer any one in his Dominions to acknowledge the Bishop of *Rome* for Pope, without his Command, nor to receive any Letters from him, unless they were first shewn to him. [5.] The Arch-Bishop might preside in any Council, but he would not permit him to appoint or prohibit anything but what he pleased, and such things as were first Ordained by him. [6.] He would not suffer any Bishop to implead and Excommunicate any of his Barons, (all such as [7.] held immediately in Capite) or Officers, for Incest, Adultery, or any heinous Crime, unless by his Command. * [8.] In the first year of his Reign *Laufrauc* Abbat of *Cash* in *Normandy*, a stout Man, and very much skilled in Divine and Humane Affairs, was made Arch-Bishop of *Canterbury*, and Consecrated the fourth of the Kalends of *September*, or the Twenty ninth of *August*. [9.] Afterwards, going to *Rome* for his Pall, *Thomas* Arch-Bishop of *Tork*, whom he had Consecrated, went with him, where *Thomas* propounding to Pope *Alexander* the Controversie between himself and *Laufrauc*, about the Primacy and Subjection of the See of *Tork* to *Canterbury*, and the three Bishopricks of *Lincoln*, *Worcester*, and *Litchfield*, which he claimed as subject to *Tork*. The Pope Decreed, That the Cause ought to be heard in England, and decided by the Testimony and Judgment of all the Bishops and Abbats of the whole Kingdom. After two Discussions, one at *Winchester* in the Kings Chappel there, in

[9.] *De Gest. Pontif. fol.* 116. b. [1.] *Florent. Wigorn.*, n. 10. *Agalmer* Bishop of *East-Angles*, and some Abbats Deposed. [2.] *Idem.* Others were kept in Prison all their Lives. [3.] *Idem.* *Aegrie* Bishop of the *South-Saxons* turned out, and imprisonment without fault. He makes his own Chaplains Bishops. [4.] *Badmer*, fol. 6. n. 20. No man to acknowledge the Bishop of *Rome* for Pope without his Command. [5.] *Idem.* The Arch-Bishop might not appoint or prohibit anything without his Leave. [6.] *Idem.* His Barons without his Command not to be impleaded.

[7.] *Seld. not.* in *Ed. f.* 158. [8.] *Badmer*, n. 10. *Laufrauc* made Arch-Bishop. *An. Do.* 1071. [9.] *Malmsbury*, fol. 117. a. b. The Pope Decreed the Controversie between the Primacy, between *Tork* and *Canterbury* ought to be decided in England.

* But notwithstanding the Conquerors Stoutness and Resolution in these matters, by his admission of the Pope Legats for the purposes above mentioned, his Holiness signified the first Point of his Church Jurisdiction in England; although William still retained the absolute Power of investing Bishops, and seemed only to require the Advice and Assistance of the Legats in Ecclesiastical Matters, for that no Decree or Constitution was put in Execution without his Royal Assent.

the

[2.] Fol. 8.
n. 30.[3.] *Mainf.*
ut supra, b. n.
10, 30, 40.
The Church
of York ought
to be subject
to Canterbury.
The Juris-
diction of
York extend-
ed to the fur-
ther part of
Scotland.[4.] *Hist.*
Nov. fol. 9.
n. 20.[5.] *Cart. in*
Apptd. n. 11.
The Ecclesi-
astical and
Civil Juris-
diction dis-
tinguished.* This is left
out by Mr.
Selden, fol. 167,
168, Not in
Badmer.
No Sheriff,
Minister, or
Laick to med-
dle with Epis-
copal Laws.
[6.] *Cleopat.*
B. 1. Bibl.
Cotton 1. vol.
of the State
of the Church,
Ex Chert.
Willelm, sub
figillo 1814.
[7.] In *Ap-
pend.* n. 12.
An. Do. 1086.
Great Privi-
leges grant-
ed by William
to Battle
Abby.

the Cattle, in the Solemnity of *Easter*; and the other at *Windsor* in the Feast of *Pentecost*; it was finally determined in the presence of the King, Bishops, Abbats, and of *Hubert* Legat of the *Roman* Church, as says [2.] *Paris*, and many other Orders of Men met there upon the occasion of that Festival. [3.] Upon proof made by old Authorities and Writings, that the Church of York ought to be subject to the Church of *Canterbury*, and the Arch-Bishop of *York* to obey the Arch-Bishop of *Canterbury* in all things pertaining to Christian Religion, as the Primate of all *Britain*; That the Bishoprick of *Duresm*, and all the Countries from the bounds of the Bishoprick of *Litchfield*, and from the great River *Humber*, unto the furthest part of *Scotland*, should be the Province, and under the Jurisdiction of *York*; so that if the Arch-Bishop called a Council wherever he pleased, the Arch-Bishop of *York* with his Suffragans were to be present there, and give obedience to what should be determined; That the Arch-Bishop of *York* ought to receive Episcopal Benediction from him, and under Oath to make unto him Canonical Profession. To these Constitutions the King, Arch-Bishops, Bishops, Abbats, and all these present agreed; and as [4.] *Eadmer* says, (who had most reason to know best) they were confirmed by the Testimony of the Kings Seal. About this time he amended [5.] the Episcopal Laws which had not been well observed, by the Common Council of his Arch-Bishops, Bishops, Abbats, and all the Chief Men of his Kingdom, and Commanded by his Regal Authority, That no Bishop or Arch-Deacon should hold Pleas in the Hundred concerning Episcopal Laws, nor should bring any Cause pertaining to the Government of Souls before a Secular Judicature, but that every one that had transgressed Episcopal Laws should be judged in a place where the Bishop should appoint, according to the same Laws and Canons; * and if any one was so obstinate as not to appear at the third Summons, he should be Excommunicated; and if need were, the Kings or Sheriffs Power were to be added; and further Commanded; That no Sheriff, Minister, or Laick should intermeddle with the Bishops Laws. Before this the Bishop sat with the Sheriff in the County Court or Turn, and with the Hundredary in the Hundred Court, if he pleased, where they promiscuously determined Ecclesiastical and Secular Causes; and from this time the separation of both Jurisdictions bear date. And further, out of the fulness of Ecclesiastical Power, with which he thought himself invested in right of his Crown, [6.] by the Assent of *Lanfranc* Arch-Bishop, and *Stigand* Bishop of *Chichester*, in a Council of his Bishops and Barons, granted to the Church of *St. Martin* of *Battle Abbey*, which he founded, [7.] all the freedom from subjection imaginable, and that although it was within the Diocese of *Winchester*, yet it should not be subject to the Bishop, and that in his Visitation, he should not lodge there, nor in any of the Manors belonging to it, and that in all things in the same Church, and a League every way round about it, the Abbat should be Lord and Judge. The Vic-

(*) The Conqueror commonly kept *Easter* at *Winchester*, *Whitsunday* at *Windsor* or *Wimbor*, and *Christmas* at *Gloucester*; at which times were present in Court, all the Temporal Nobility, Bishops, Abbats, &c. through all *England*; so that at those times he could hold a great Council or Synod at a days warning, when he pleased, and at those times were commonly held the Great Councils for all Publick Affairs.

lators

lators of which Constitution were for ever anathematized by *Lanfranc* Archbishop, *Stigand* and *aforsaid*, *Walcelin* Bishop of *Winchester*, *Wolstan* Bishop of *Worcester*, all then present. The Pope sent to *William* by his Legat *Hubert*, to do him Fealty, and pay him the Arrears of *Peter-Pence*; but though willing to gratify him in one, he absolutely [8.] denied the other, and refused to become his Feudatary or Vassal for the Kingdom of *England*. Archbishop *Lanfranc* in this Kings Reign held and presided in many Councils, in one at *London*, [9.] wherein, because it was forbidden by the Councils of *Sardis* and *Laodicea*, that Bishops Seats should be in Villages, therefore by the Kings Munificence and Authority of this Synod, Bishop *Hermannus* removed from *Sherborn* to *Salisbury*, *Stigand* from *Selsey* to *Chichester*, *Peter* from *Litchfield* to *Chester*, and afterwards *Remigius* from *Dorchester*, a Village in *Oxfordshire*, to *Lincoln*. It was also Ordained in this Council, that according to the Council of *Elberis* and the Eleventh of *Toledo*, (both Cities in *Spain*) that no Bishop or Abbat, or any of the Clergy should give Judgment concerning the Life of any Man, or loss of Member, nor by their Authority should countenance any that do it. Another he held at *Winchester*, [1.] wherein it was Decreed, That no Canon should Marry; and that Priests which lived in Burroughs and Villages, that had Wives, should not put them away; but if they had none, they were prohibited to take any; and Bishops were to take care that they did not Ordain Married Men either Deacons or Priests. [2.] Archbishop *Lanfranc* exempted all the Clerks or Parish-Priests of the Towns belonging to him, or where he was Lord, or presented to the Living in any Diocese from the Jurisdiction and Visitation of the Bishop, which might be the Original of Peculiarities. These were the Ecclesiastical Affairs in *England* in the time of *William* the First, what they were then in *Normandy*, and how alike to them here, may be seen in the Constitutions made there [3.] 1080.

In the last year of his Reign [4.] almost all the chief Cities of *England* were burnt, and the greatest and best part of *London*, with the Church of *St. Pauls*.

King *William* dying on the Ninth of September 1087. as was noted before, left Issue by *Maud*, Daughter of *Baldwin* Earl of *Flanders*,

1. *Robert* his eldest Son, according to the Will and Bequest of his Father, succeeded him only in the Dukedom of *Normandy*.

2. *Richard* his Second Son, who following a hard Chace in Hunting in the *New-Forest*, was mortally hurt by the Bough of an *Hawthorne* Tree, before either his years of Marriage or Knighthood.

3. *William* commonly called *Rufus* succeeded his Father in the Kingdom of *England*, as he had given it to him in his last Will and Testament.

4. *Henry*, who after the death of his Brother *William* without Issue, was King of *England*, and Duke of *Normandy*; * he had given him by his Father only Five thousand Pounds in Money.

[8.] In *Apptd.*
n. 13.The Conque-
rors refusal
to be Feuda-
tory to this
Pope.[9.] *Spelm.*
Cont. fol. 7.
8. 291. 1. Anno
Domini 1075.
Bishopricks
removed
from Villages
to CitiesThe Clergy
not to give
Judgment in
loss of Life
or Member.
[1.] *Ibidem*,
fol. 13. Anno
Domini 1075.
No Canon
Marry.Priests in
Burghs and
Cities might
retain their
Wives.[2.] In *Apptd.*
n. 14.
The Origin of
Exempts and
Peculiarities.[3.] In *Apptd.*
n. 15.[4.] *Flor. Wig.*
fol. 642. Anno
Domini 1087.
many of the
chief Cities
of *England*
and *London*
burnt.Order. vit. fol.
663. C.*Flor. Wigor.*
fol. 642. Anno
Domini 1087.Order. vit. fol.
174. C.*Flor. Wigor.*
ut supra.* Order. fol.
659. C.5. *Cicely*

Ibid. fol. 484.
D. 148. B. C.

5. *Cicely* his Eldest Daughter, first a Nun in the Monastery of *Felcamp* in *Normandy*, afterward Abbess of the Holy Trinity in *Cane*, where she died *Anno Domini* 1127. July 13.

Ibidem. fol.
544. C.

6. *Constance* Married to *Alan Fergant*, or the *Red*, Earl of *Britain*, for the assurance of Peace between King *William* and him, died without Issue.

Lib. 8. c. 34.

Fol. 573. C.
Seems to be
the same with
Agatha Script.
Norm. f. 1070.

7. *Adelidis* or *Alice* his Third Daughter, Contracted to *Harold* the Usurper, as *Gemeicensis* affirms, but at his death being Marriageable, died a Virgin; but *Ordericus Vitalis* mentions not this Contract between her and *Harold*.

Ibid. 574. A.

8. *Adela* who was Married to *Stephen* Earl of *Blois*, by whom she had four Sons, *William*, *Theobald*, *Henry*, and *Stephen*, who by his Uncle King *Henry* the First was made Earl of *Mortaigne*, and by his means was Married to *Maud* Daughter and Heir of *Enstachius* Earl of *Bulstign*, by whom he had that Earldom, and also very great Possessions in *England*.

Ibid. 573. C.
Seems to be
the same with
Adelidis or
Agatha Script.
Norm. f. 1070.

9. *Agatha* who died a Virgin, but reported by *Ordericus Vitalis* to have been first Contracted to *Harold* the Usurper, and afterward to *Amsfucus* King of *Gallicia*, but died in her Journey thither, not having ever seen him.

THE F

THE
REIGN
OF
William Rufus,
OR,
William the Second.

THE Conqueror dying on the Ninth of October, [1.] *Robert Bloier* his Chaplain immediately came over into *England* with his Son *William*, and brought with him, to *Lanfranc* Arch-Bishop of *Canterbury*, the Donation of his Father, [2.] who having read it, made haste with him to *London*, and on *Michaelmas*-day Anointed him King in the old Church of *St. Peter* at *Westminster*, having first promised [3.] upon his Faith and Oath by himself, and all others he could procure to vouch him to *Lanfranc*, (being not over forward to grant his desires) that he would in all matters through the whole Kingdom, preserve *Justice*, *Equity*, and *Mercy*, defend the Peace and Liberty of the Church against all Men, and also in all things obey his Council and Precepts.

But though *Lanfranc* having been his Tutor, * and also having made him a Knight, brought on by these fair Engagements, was the great Instrument to promote him to the Crown; yet * *Eudo* his Father's Steward was little less Instrumental in his obtaining it, (if there be any truth in the Story cited from the Manuscript in *Cottons* Library [4.] by Sir *William Dugdale*) for he upon the occasion of his Father's Grant, incited *William Rufus* to be active in his own Affair, and then hastning into *England*, so insinuated himself into *William de Ponte-Arche*, that he obtained from him the Keys of the Treasury then at *Winchester*, and passed to *Dover*, where he obliged by Oath the Guardians of the Castle, that they should not deliver

(*) He was Son to *Hubert de Rie*, Privado to both *Edward* the Confessor and *William* the Conqueror, and Envoy in the greatest and most private Matters that passed between them.

An. Do. 1087.
[1.] Ord. Vh.
fol. 763. D.
Rufus brings
his Father's
Donation of
England to
Arch-Bishop
Lanfranc.
[2.] Ibidem,
fol. 661. C.
Who Anointed
him King.
[3.] Eadm
fol. 13. n. 30.
Upon the great
Promises he made
to him,
He was
Knighthood by
Lanfranc.

a.
* *Adam de*
Gest. Reg. fol.
67. b. n. 30.
Order. Vital.
fol. 661. D.
Eudo King
William Ste-
ward, a great
Instrument in
setting up
Rufus.
[4.] *Monast.*
1. vol. fol. 906.
n. 40. 10.
The Keys of
the Treasury
at *Winchester*
delivered to
Rufus.

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the Keys of that Fortrefs to any, without his Advice; The like he did at *Pevensey*, *Hastings*, and other Maritime Castles, pretending the King (whose death was kept secret) would stay yet in *Normandy*, and would have good assurance of the safety of his Castles in *England*, by him his Steward. And having thus dispatched his Business, he returned to *Winchester*, and discovered the Kings death; and by his Contrivance, while the Nobles in *Normandy* were Consulting about the Succession, *William Rufus* was advanced to the Throne.

[1.] *Orderic. fol. 665. C.*
Robert Duke of *Normandy* distributed his Wealth amongst his Soldiers.

[6.] *Ibidem.*

[7.] *Ib. D. D.*
An. Do. 1088.

[8.] *Ibid. fol. 666. A.*
The English and French *Normans* met to Consult whether it were expedient *England* and *Normandy* should have two different Princes.

[9.] *Ibidem.*
[1.] *Ibid. C. b.*

They concluded to make Robert King of *England* and Duke of *Normandy*.

[1.] *Ibidem.*
The chief Friends and Undertakers for Duke Robert.

[1.] *Ibidem.*
[4.] *Ibidem.*
[5.] *Ibid. D.*

[6.] *Ibidem.*

[8.] *Valerius. Gal. in verso.*
Robert de *Belesme* who he was.

[9.] *Orderic. fol. 708. C.*
[1.] *Ibidem.*
768. C.

In the mean time [5.] Robert Duke of *Normandy* his elder Brother, plentifully distributed his Wealth among his Veteran Soldiers or Knights, and by hope of Rewards brought into his Service a Multitude of young Soldiers; but his [6.] Treasure failing, he borrowed of his Brother *Henry* Three thousand Pounds, for which he received the whole Country of *Constantin* (now *Contantin*) being then the third part of *Normandy*, with the Cities *Constance*, *Auranches*, and the Monastery of *St. Michaels* Mount in the Sea, &c.

Presently [7.] upon this Action of Duke Robert, in the first year of the Government of the two Brothers, the chief Men that had, and were like to have great Estates in both Nations, met to Treat about the division and separation of them one from another, [8.] both of them having been under the Power and Government of their defunct Lord, who by their assistance had Conquered *England*; They were in a great straight what to do; they could not serve two Lords so remote from one another; [9.] if they faithfully served Robert Duke of *Normandy*, they should offend his Brother *William*, and should lose their Lands and Honours in *England*; and if they proved obedient to *William*, Robert would deprive them of their Paternal Inheritance in *Normandy*. [1.] At last they resolved, that seeing Robert was the elder, and that they had Sworn Fealty to him in his Fathers Life time, to set him up and make him Prince of *England* and *Normandy*, for preservation of the Unity of both Nations. [2.] This was the Agreement of Odo Bishop of *Bayeux*, *Eustacius* Earl of *Bulloine*, Robert de *Belesme*, and many others, which they Communicated to Duke Robert, to whom, if they would begin, he promised sufficient Assistance for effecting their Design. Therefore [3.] after *Christmas* they passed into *England*, fortified their Castles, and in a short time stirred up a great part of the Country against the King; [4.] with these joyned Roger Earl of *Arundel* and *Shrewsbury*, *Hugh* *Grentmesnil* Viscount of *Leicester*, and many more very great Men in *England*, or at least seemingly continued with *William*, and favoured the design of Robert; [5.] who fortified, Manned, and Victualled their Castles, and wasting the Countries almost all over the Nation, expected Duke Robert with an Army out of *Normandy* at the Spring. [6.] King

(b) Robert de *Belesme*, or de *Belesmo castello* [8.] *quasi bellisimo*, a fair Castle in the County of *Perch*, he was eldest Son to Roger de *Montgomery* Earl of *Arundel* and *Shrewsbury*, and had the great Inheritance of his Father [9.] In *Normandy*, when his second Brother *Hugh* de *Montgomery* enjoyed his Fathers Earldoms in *England*, who dying without Issue, they came to this Robert in the [1.] Tenth year of *William Rufus*, for which he gave him 3000 l. Sterling as a Relief.

William

William observing the posture of his Affairs, resolved to suppress the Insurrections; and to that purpose. Convoked *Lanfranc* Archbishop, Bishops, Earls, and Natural English, and shewed them his intention, who exhorted the King to proceed against the Perturbers of the Peace, and promised their ready Assistance. [7.] Odo with some of the chief *Normans*, who intended to set up Robert, chose *Rochester* as a place of advantage and most fit for their chief Magazine, being in the middle way between *London* and *Canterbury* near the Sea, and near the *Kentish* Islands, which were conveniently seated for the landing Forces and Warlike Provisions: from whence at their pleasure, they could keep a Correspondency with Duke Robert. But [2.] King *William* prevented their Designs by besieging the Town in the Month of *May* following, where he shut up Odo, *Eustacius* Earl of *Bolloigne*, Robert de *Belesme*, and many other Noblemen, and Persons of inferior Rank, who in vain expected the Assistance of Robert, being detained only by ease and sloath from his promised Expedition; [3.] out of the Town they were forced into the Castle, where many perished by a raging Sickness, and urged by many other necessities, they sent out to King *William*, that upon condition they might enjoy their Lands and Estates they would yield the Castle, and for the future serve him faithfully as their Natural Lord.

The King was angry at these Propositions, and swore he would take the Perfidious Traytors by force, Hang, and destroy them with divers kinds of death: and to his Nobility having many Friends and Relations in the Castle, perswading him to moderation, [4.] he gave this Answer, That whosoever spared Perjured Men, Thieves, Plunderers, and Execrable Traytors, took away quiet and peace from innocent Men, and laid a foundation of innumerable Mischiefs to the good and harmless; [5.] but at length overcome by the intercession of his faithful Friends, [6.] which were, all the Bishops of *England*, with the English, *Hugh* Earl of *Chesler*, Robert de *Roelent*, *William* de *Warrenna*, Robert *Fitz-Haimon*, and other legal and ancient Barons, he [7.] granted the Besieged their Lives, pardoned the loss of their Limbs, and gave them leave to pass out of the Castle with their Horse and Arms, but without hopes of enjoying

Lanfranc the Archbishop, the other Bishops, and Natural English side with *Rufus*. [7.] *Ibidem.* fol. 667. B. *Rochester* chosen as a place of advantage and fit for a Magazine. [1.] *Ibidem.* fol. 667. B. *Rochester* besieged. Duke Robert lost the Town and Castle by sloath and want of diligence. [1.] *Ib. C. D.* The Defendants offer to yield upon Conditions.

Rufus denies their Conditions.

[1.] *Orderic. fol. 668. B.*

[1.] *Ibid. D.*

[6.] *Ibidem.* fol. 667. D. [7.] *Orderic. fol. 668. D.*

d.

The Terms upon which *Rochester* Castle was surrendered.

[7.] *Ibidem.* 669. C.

[8.] *Ibidem.* fol. 668. B.

[1.] *Ibid. m.*

[1.] *Domell. Gesta*

discreto.

Edward.

[2.] *Ibidem.*

[3.] *Ibidem.*

[4.] *Monast. vol. 1. fol. 154. Col. 2. n. 40.*

Robert *Fitz-Haimon* made Earl of *Gloucester* by *Rufus*.

Heir his eldest Daughter and Heir was married to Robert Earl of *Gloucester*, Natural Son to *Henry* the First.

(c) [1.] He was an Esquire to *Edward* the Confessor, and by him made knight his Father was [8.] *Humphred* de *Telsolo*, [9.] Governor of the Fortrefs of *Hastings*, and Son to *Aussid* the Dane; His Mother *Adeliza* Sister to *Edith* de *Orchmoussell*; Viscount of *Leicester*, and Governor of the Marches of *Northwales*, of which he was from the Castle and Territory of *Chester* under Earl *Hugh*, and not only the Governor, and General of all the Forces in *Chester* and *Northwales*. [1.] which he defended against the Welsh, but Conquered much of *Northwales*. [1.] which he defended the King for 40 l. per Annum. [1.] besides the Fee of *Ros* and *Robert*, which he held of the King twelve Miles in length, and four in breadth.

(4) He was Son of *Haimon* Earl of *Corbelle* in *Normandy*, [1.] to whom for the great Services he had done his Father and himself, *William Rufus* gave the Earldom of *Gloucester*, and the Possession of *Warric* the Saxons, who was Earl thereof before the Conqueror, and which Earldom and Possessions, *Queen Matilda* enjoyed during her life, and her Husband the Conqueror afterwards. This Robert had [4.] four Daughters; two who were married to the eldest and second Sons of *Henry* the First, who by his Father was made Earl of *Gloucester*, and enjoyed all those Possessions.

and had the Estate of *Brighthelm* the Saxon Earl thereof. [1.] *Ibid. f. 118. n. 40.* Daughter and Heir was married to Robert Earl of *Gloucester*, Natural Son to *Henry* the First.

[5.] *Ibidem*.
fol. 69. A.
The Acts by
which Rufus
settled himself.
[6.] *Malin*.
de *Giff.* fol.
fol. 68. w. 101.
[7.] *Ibidem*.
fol. 70. A.
And brought
off to his side
Roger Earl of
Arundel and
Shrewsbury.

[8.] *Ibidem*.

Rufus passed
into *Normandy*
with an Army.
[9.] *Order*.
fol. 68. B.
681. A. Flor.
Wigorn. fol.
644. w. 1090.
St. *Villey*.
Castle, deli-
vered to him.
Girard de
Gournay deli-
vers up his
fortresses to
William Rufus.
Robert Earl of
On, *Walter*
Giffart, *Ralph*
Mortimer, &c.
join them-
selves to the
English.

[3.] *Florient*.
Wig. 484.
Anno 1091.
Duke *Robert*
makes a disad-
vantageous
Peace with
Rufus.
[4.] *Ibidem*.
The Conditions
of that
Peace.

Twelve Barons on each
side swear to
the Peace.
[1.] *Order*.
fol. 67. D.

their Lands and Inheritance in *England* during his Reign. [5.] *Odo* returned to *Bayeux*, and never came to *England* afterwards, where he lost all his great Possessions. It was not by force that he quelled this universal defection of the *Normans*; [5.] but by publishing that he would ease them (and especially the *English*) of Taxes, that he would alleviate the Laws, and give them free liberty of Hunting: [7.] And by insinuating himself into *Roger* Earl of *Arundel* and *Shrewsbury*, the chief Person next *Odo* in this Insurrection, to whom he pretended, he would most willingly quit the Government, if he and those his Father had assigned his Curators, should think fit; Yet adding, that he understood not why they were so outrageous against him. If they would have Money or Augmentation of their Estates, they might have what they would, upon condition they endangered or questioned not his Fathers Will and Judgment, which if they despised, they might hazard their own safety; for the same Man that made him a King, made them Earls and great Men. [8.] With these fair words and Promises the Earl was brought off from the Confederacy, which was immediately broken, and the Nation reduced to quiet; (as was said before) the Confederates either submitting or flying.

William thus confirmed in his Kingdom, [9.] next year passed with an Army into *Normandy*, to requite his Brother *Robert*, and subdue that Dukedom. The Army landed at *St. Valerie*, and had that Castle delivered to them. *Stephen* of *Albamarle*, Son of *Odo* Earl of *Champagne*, at King *William's* Charge fortified and Manned his Castle for him.

Girard de *Gournay* followed his Example; and delivered up to the King his Fortresses of *Gournay*, *Ferte* and *Gaillyfontaine*; and afterwards *Robert* Earl of *On*, *Walter Giffart*, *Ralph Mortemer* or *de Mortuo-Mari*, and almost all the Inhabitants on the North-side the *Seine*, joyned themselves to the *English*, and received sufficient Money from the King, to fortifie their Castles on his behalf. [3.] Whereupon Duke *Robert* called to his Assistance *Phillip* King of *France*, who underhand receiving Money from *William*, returned home, without attempting any thing against him; which, with the revolt of his *Normans*, caused *Robert* to make a disadvantageous Peace with his Brother; [4.] The Conditions these, That King *William* should enjoy the County or Barldom of *On*, the Monastery of *Felampe*, the Abbey of *Mount Saint Michael*, the Town of *Cherburgh*, and all the Castles that revolted from the Duke; That the King should reduce the Country of *Maine*, with the other rebellious Castles in *Normandy*, to the obedience of the Duke, that he should restore to those that adhered to the Duke their Lands in *England*, and also to the Duke himself so much Land as should be agreed on between them. Lastly, That if the Duke died without Lawful Issue, the King to be his Heir; and in like manner, the Duke to be the Kings Heir, if he died without Lawful Issue.

Which Agreement twelve Barons on the Dukes, and twelve on the Kings part confirmed by Oath. In the mean while, no Consideration having been had of their Brother *Henry* in this Treaty, whose Money was detained, and [5.] he himself also had been imprisoned, and

and ill used by his Brother *Robert*, and [6.] dissatisfied of his Mothers Lands in *England*, which his Brother *William* had given to *Robert Fitz-Haimon*; [7.] He fortifies his Towns, which were *Cherburgh*, *Auranche*, *Constantine*, and *Quatrebrun*; and craftily gained to his Party many of his Fathers Nobility, as Earl *Hugh* de *Auranche*, *Richard* de *Bakerville*, and others of the Country of *Constantin*, now *Contarbin*, besides *Robert Mortbray*, by which means his Forces increased daily; [8.] but the *English* Kings Army passing where it would, almost through *Normandy*, and the *Norman* Nobility favouring him for his Money; the Citizens of *Rouen* likewise allured with his Gifts and Promises, Treated with hint about changing their Prince, and consulted how to betray the Metropolis of *Normandy*, and their Drivelsy [1.] Duke to the King. One [2.] *Conan*, who by reason of his great Riches, had a good Interest in the Citizens, was the chief Conspirator, and bargained with *William Rufus* to let in his Forces which should be sent from *Gournay*, and other Castles near, which were in his possession, to surprize the City; but the Duke made sensible of this Conspiracy, struck up a Peace with his [3.] Brothers, and some others that had revolted from him, who put themselves time enough into the Town to secure it, though with much Slaughter of the Citizens, who made resistance; amongst whom *Conan* the chief Traytor and many others were taken, and for his Punishment *Conan* was by *Henry's* Order carried to the top of a high Tower, and [4.] with his own hands thrust down headlong out at a Window. Next year Duke *Robert* besieged [5.] *Curecy* in the Month of *January*; but King *William* arriving in *Normandy* with a great Fleet he left the Siege, and almost all the *Norman* Nobility strove who should make their Addresses and Presents to the King, and not only they, but the *French*, *Britans*, *Flemmings*, and many of the Neighbouring Provinces, so soon as they heard he intended to remain at *Owe* or *En* in *Normandy*, obsequiously flocked to him, and having been favourably received, and liberally presented by him, they all extolled his Bounty and Magnificence beyond that of their own Princes.

At length the [6.] two Brothers came together at *Rouen*, where all former Complaints being laid aside, they were reconciled to each other; The Duke received mighty Gifts and Presents from the King, to whom the Duke granted the County or Earldom of *On*, *Albamarle*, the Land of *Gerard* de *Gournay* and *Ralph* de *Conches*, with all the Castles and Fortresses subject and belonging to them. *Henry* not pleased with this Transaction, raised great Complaints against both [7.] his Brothers, and demanded some part of the large Possessions of his Father, and having gathered together a Body of the *Britans* and *Normans*, fortified *Constantine*, *Auranche*, and some other Towns. But [8.] *Hugh* Earl of *Chester*, (who was also Earl of *Auranche*) and others the great Favourers of him, weighing his Poverty and the great Riches and terrible Power of *William*, deserted *Henry*, and yielded their Places of Strength to the King; and in the middle of *Lein* the two Brothers *William* and *Robert* besieged their Brother *Henry* in *St. Michaels* Mount, which was yielded for

(*) These Towns were in that part of *Normandy* called *Conches*, which was pawned to *Henry* by *Robert* for 3000 l. he borrowed of him.

[6.] *Ibidem*.
689. C.

[7.] *Ibidem*.
Henry, the
youngest Brother
fortifies
his Towns in
Normandy.
Some *Norman*
Revolt
[8.] *Ibid.* D.

[1.] *Ibidem*.
[2.] *Ibidem*.
A Conspiracy
to deliver
Rouen to
Rufus.

[3.] *Ibidem*.
The City se-
cured *Conan*
the chief
Conspirator,
and many Ci-
zens slain.

[4.] *Ibidem*.
fol. 69. D.
[5.] *Ib.* 692.
B. 693. B. 696.
D. Anno Do-
mini 1091.
Rufus returns
into *Normandy*.
Is Cared by
the *Norman*
Nobility, by
the *French*,
Britans, *Flem-
mings*, &c.
They extoll
his Bounty.

[6.] *Ibid.* fol.
693. B. C.
The Duke and
King reconciled.

[7.] *Ibidem*.
699. A.
Henry dis-
pleased with
his Brothers,
got together
a Body of
Britans and
Normans.

[8.] *Ibidem*.
The *Britans*
Revolt from
him.
His Brothers
besiege him in
St. Michaels
Mount.

Constance
pawned to
Henry.

want

Sr. Michaels Mount yielded.
[5.] *Ibid.* B. Henry wanders from place to place.

[1.] *Ibid.* fol. 703. B. C. An. Do. 1093. Robert de Mowbray Earl of Northumberland Conspires against Rufus.
[1.] *Ibid.* D. fol. 704. A. [4.] *Ibid.* B. Mowbray taken Prisoner.
[5.] *Ibid.* C. The Earl of Chester gave 3000 l. to be restored to favour, and many others Comp-und for their Crimes.
[6.] *Ibid.* M. The Earl of Hereford had his Eyes pulled out, and his Testicles cut off.

[7.] *Buch. rer. Scot.* lib. 7. p. 214. Flor. Wigor. f. 645. Malcolm King of Scots, and his eldest Son slain.
[8.] P. 215. An. Do. 1093. Donald usurped the Crown of Scotland.
[9.] *Ibid.* M. [1.] *Ibid.* M. Flor. Wigor. f. 646. Duncan by the Assistance of Rufus obtained Scotland.
[2.] *Ibid.* M. Anno 1094. The Welsh invade England.

[3.] *Order.* fol. 722. B.

want of Drink and Water; on Condition, That he and those with him might have liberty to go whether they pleased. [9.] After which Henry wandered for some years from place to place with one Knight, a Priest, or a Clerk, and three Servants or Esquires.

While the King employed himself in Normandy, there was in England a great [1.] Conspiracy formed against him by Robert de Mowbray, or Mowbray, Earl of Northumberland, and many other great Normans, of which the King having notice, raised an Army and marched against them; [2.] who understanding which way he was to pass, laid an Ambush to intercept or kill him in a Wood; which was discovered to him, and the design prevented, by Gilbert de Tonbridge one of the chief Conspirators, and then his Troops passed on to [3.] Bamborough Castle which they besieged, and at length Robert fell into their hands, [4.] who was kept in Bonds almost thirty years. Roger de Lacy had his Lands taken from him, and given to his Brother Hugh, who faithfully adhered to the King; [5.] Hugh Earl of Chester was privately chidden by the King, and gave 3000 l. to be restored to favour, as likewise he received of many others great Sums of Money, as Compositions for their Crimes; [6.] and William Earl of Hereford being openly convicted, had his Eyes pulled out, and his Testicles cut off; Many others the King spared out of Policy, by the Advice of his Council. This year Malcolm King of Scots, on Bartholomew-day, came to King William, as they had before appointed, for the Establishing a firm Friendship between them; but William would neither see or speak with him, and further would have constrained him to have done him right according to the Judgment only of his Barons in his own Court, but he refused to do it, unless in the Confinnes of both Kingdoms, where the Kings of Scotland used to do right to the Kings of England, according to the Judgment of the Chief Men of both Kingdoms, Flor. Wigor. f. 646. A. D. 1093. and not long after William Rufus surprized [7.] the Castle of Alnwick in Northumberland, which Malcolm King of Scots presently besieged, where he and his eldest Son Edward were both slain; and Donald his Brother was elected King by the Scots, or rather (as [8.] Buchanan relates it) he usurped the Crown by the assistance of Magnus King of Norway, to whom he promised all the Islands.

This news so soon as it reached Duncan, Son, or [9.] Bastard of Malcolm, as Buchanan calls him, being then in King Williams Army, [1.] begged and obtained his Fathers Kingdom of him, and swore Fealty to him for it, and with a Multitude of English and Normans marched speedily into Scotland, expelled Donald, and Reigned in his stead. Next [2.] year the North-Welsh, West-Welsh, and South-Welsh laboured to shake off the Yoke of Servitude, they burned and harassed the Towns in Cheshire, Shropshire, and Herefordshire, and killed many English and Normans, which caused William to return into England about the later end of December, and presently Lead an Army against the Welsh, where he lost many Men and Horses.

In the mean [3.] while the untamed and intractable Normans, who not restrained by a rigid Governor, were fit for any Mischief;

many

[4.] many whereof corrupted by Gifts; or drawn away by terror, as Robert Earl of Hereford, Stephen of Albemarle, Gerard de Gournay, Ralph de Conches, Robert Earl of Meulan, Walter Giffard, Philip de Brusa, and Richard de Curcy, and many others, with all their People and Strong Holds adhered to King William because he was dreadful to them; [5.] by which means Normandy was in great Confusion, and became uneasy to Duke Robert, who destitute of Friends, by the Advice of some Religious Persons, resolved to pass over his Dukedom to his Brother Rufus, [6.] who received it to keep for him for five years, upon condition to lend him 10000 Marks, while he finished his Expedition with others to Hierusalem. This famous Expedition of the Christians against the Infidels, was first set on foot by the Preaching of Peter the Hermit of Amiens, and afterwards greatly encouraged, and mightily advanced by the Council of Clermont in France, called by Pope Urban for that purpose; by which means many of the chief Nobility of Christendom, and especially of France and Germany became Undertakers in this Holy War.

Much to do there was to raise this 10000 Marks, which William imposed upon his Great Men. [8.] The Bishops, Abbats, and Abbesses brake the Gold and Silver Ornaments of their Churches; and the Earls, Barons, and Viscounts (or perhaps Sheriffs only) fleeced their Villans, and such as held in Knight Service of them. [9.] In September Rufus passed the Sea, made Peace with his Brother, paid him his Money, and received Normandy as a Pawn for it, and kept the Normans in due subjection by his severity, during the time he lived, almost five years. William thus possessed of Normandy, [1.] claimed the French & Venixin of Philip King of France, and the chief Towns thereof, Pontyfe, Chaumont, and Mant; and after a years Scuffle for it, by Burnings, Rapines, and leading the People into Captivity on both sides, the two Kings came to a firm Peace. Rufus his Business in England requiring his presence there, which probably was the Arming of the Welsh, and the fresh attempts they made upon England, [2.] for about this year King William the second time marched into Wales, with intention to kill all the Male Sex, but of them he scarce found or killed any: yet he lost some of his own Men, and many Horses. [3.] Presently after this Duncan being treacherously slain, and Donald usurping again in Scotland, Edgar Atheling was sent thither with an Army to expel Donald, and here into Edgar King, then the eldest Son of Malcolm, and here into England under the Protection of William, which was effectually done. [4.] Then having news that the City Mans, and Countries of Arjen and Main had revolted, he returned into Normandy, be-

(f) Le Peuxin Norman, & le Peuxin Francois; The People that inhabited this Country were called by Caesar in his Commentaries, Belocassi, by others, Piliocassi, and the Country called Paga Pileassum, and Pileallum. The Peuxin Norman is feared between the River Andelle, upon which are placed Rasepont, Chir-leu, Elvill, and falls into the Sene, a little above Pont-l'arche, and the River Euse, Euse, on Euse, upon which Nym-March, Gournay, Chyot, Dange, and St. Gles are seated, and it falls into the Sene between Peronne and le Roche Gulon. Peuxin Francois is seated between the last River Euse and the River Jura, Euse, or Oise, upon which stands Pontyfe, &c. Some part of Peuxin Norman lies beyond the River Andelle, towards Reuen. These ancient names are antiquated, and not to be found but in ancient Authors, Charters, and Monuments.

sieged

[4.] *Ibid.* D. Many great Normans desert Duke Robert.

[5.] *Ibid.* M. fol. 723. A. He pulled over his Dukedom to Rufus for 10000 Marks.
[6.] *Ibid.* C. Flor. Wigor. f. 648. Duke Robert goes to Hierusalem.
Anno Domini 1097, 1098.
[7.] *Order.* fol. 723. A. B. Flor. Wigor. f. 647. 10000 Marks raised with much difficulty.

[8.] *Ibid.* M. fol. 648. [9.] *Ibid.* C. Order. fol. 765. A. Anno Domini 1097, 1098. Rufus by his severity keeps the Normans in due subjection.

[1.] *Ibid.* fol. 766. A. B. C. D. & 667. B. Anno 1098. Pilef, Not. Gal. fol. 988. Rufus claims Peuxin Francois and the chief Town in it.

[2.] *Flor. Wig.* fol. 648. [3.] *Ibid.* & *Buch. rer. Scot.* p. 214. Duncan slain, Donald usurps, Edgar Son of Malcolm made King.
[4.] *Flor. Wigor.* Order. fol. 773. D. An. Dom. 1098.

Peuxin Norman, & Peuxin Francois.

Anjou and
Main revolt,
and are re-
duced.

[1.] *Ibidem*,
ut supra.

[6.] *Ibidem*,
Magna King
of Norway in-
vades Angl-
sey.

[7.] *Ibid.* 649.
An. Do. 1099.

[8.] *Ibidem*.

Princes Zea-
lous to pro-
secute the Holy
War.

[9.] *Ord.* fol.
780. B. C.

Aquitain
Pawnd to
William Rufus.

[1.] *Ibid.* C.

A great Fleet
prepared to
take possession
of Aquitain.

[2.] *Ibidem*,
fol. 781. B.

An. Do. 1100.

[3.] *Florent*,
Wig. fol. 649.

Anno 1100.
Gemet. lib. 7.

c. 10.

h.

i.

Rufus is slain.
The Ecclesi-
astick Affairs in
this Kings
Reign.

[4.] *Edm.*
fol. 14. lin. 1.

Rufus kept not
the Promises
he made to
Lanfranc.

[5.] *Ibid.* n.
10, 10, 30.

Camden in
Hantsire.

New-Forest.

[9.] *Ordric*,
fol. 78. A.

Walter Tirrel,
what he was,

sieged and took the City, and reduced the Countreies to obedience; bringing *Elias* the Earl of *Maine* to his own Terms. [5.] In the mean while *Hugh* Earl of *Chester*, and *Hugh* Earl of *Shrewsbury* with an Army attempted the Isle of *Anglesey*; wherein they took many *Welsh* and killed them, and pulled the Eyes out of some others, after they had first chopt off their Hands and Feet, they cut off their Testicles. [6.] This was the time when *Magnus* King of *Norway* invaded this Island, in resistance of whom, seven days after this Cruelty upon the *Welsh*, *Hugh* Earl of *Shrewsbury* lost his Life.

The next [7.] year the King returned out of *Normandy* into *England*, and held his Court in the Solemnity and Feast of *Pentecost* at *London*, when he gave [8.] to *Ranulph*, whom he had appointed to manage the Affairs of the whole Kingdom, the Bishoprick of *Dunelm*. The greatest Action now on foot in *Christendom*, was the prosecution of the War against the *Turks*; and *Jerusalem* being taken, and the *Christians* much prevailing in *Palestine*, others of the Christian Princes that were first engaged in the Holy War (as 'twas termed) became inflamed with a Zeal of assisting in, and prosecuting of it; Amongst whom [9.] *William* Duke of *Poitou* was one, and that he might the better raise a considerable Force, and accomplish his Design, he sent to *William Rufus* Ambassadors to borrow Money; for the security thereof, he offered to Pawn to him the Dutchy of *Aquitain* & all his Countreies.

The King most willingly embraced the Proposal, [1.] and Commanded a mighty Fleet to be prepared, and a great Body of Horse to accompany him out of *England*, that he might hinder his Brother *Roberts* return into *Normandy*, take possession of *Aquitain*, and extend the bounds of his Empire as far as the River *Garone*. [2.] In the Month of *July* this Royal Navy which was to carry over immense Sums of Silver and Gold, was near ready to set sail; but before it was altogether fit to put out to Sea, the King on the [3.] Second of *August* Hunting in *New-Forest*, was slain by an Arrow Shot by *Walter Tirrell* a French-Man, (whether at a Deer or the King is uncertain) and the next day carried to *Winchester*, and buried in the old Monastery in the Church of *St. Peter*.

These were the Military and Secular Achievements of *William* the Second, which kept him in constant Action and Employment; yet perhaps his Magnanimity was no less exercised by Arch-Bishop *Anselme*, in relation to Ecclesiastick Power and Jurisdiction, [4.] he brake many of the Promises he made to Arch-Bishop *Lanfranc* before and at his Coronation, yet while he lived he abstained from many things, though against his will and inclination; [5.] but after

(8.) By *Aquitaine* here cannot be understood all the Province anciently so called, but only that part of it which lay between the Rivers *Loire* and *Garone*, as the Countreies of *Poitou*, *Saintonge*, *Angoumois*, *Perigord*, &c.

(6.) Part of *Hantsire* so called at this day, it contained in compass thirty Miles, in this space of Land *William* the Conqueror depopulated all the Towns and Villages, and demolished thirty six Parochial Churches to make it a Forest.

(1.) He was a rich Inhabitant [9.] of *Pontoyse*, a generous Knight of Soldier, potent amongst the Great Men, in Arms very dextrous, and therefore a Familiar and Constant Companion to the King.

his

his death, which happened [6.] May 24. 1089. he kept the Bishopricks and Abbacies as they fell void in his own hands, or let them to Farm, and took the Profits of them to his own use, allowing the Monks just so much as would maintain them; amongst others the Church and Arch-Bishoprick of *Canterbury*, and Revenues thereof, was then possessed and disposed of by the King to Secular uses, [7.] which much troubled the Clergy and many of the Nobility, that the Commune Mother of the Realm should be so long void of a Pastor; At length the [8.] King falling Sick, and being very Penitent, made great Promises of ease and satisfaction to the Clergy and Nobility; and being much pressed by them, to make an Arch-Bishop of *Canterbury*, he consented and enquired after a Person worthy of that Honour and Office. They all perceiving the Kings inclination, cried out with one accord, *Abbat Anselme* was the most worthy; who brought to the King, that he might receive the Investiture of the Arch-Bishoprick from his hands by the Pastoral Staff, refused it, affirming it might not be done; [1.] yet after very importune persuasions, and pressures by the Bishops and Nobility, he suffered himself to be with great Applause elected Arch-Bishop, [2.] and had investiture of all things belonging to the Arch-Bishoprick both within it and without it, on the Sixth of *March* 1093. But [3.] before his Consecration he demanded of the King to restore all the Lands belonging to his Church which his Predecessor *Lanfranc* was possessed of without any Suit or Controversie, and that he would consent he should have right done him concerning such Lands as had been in the possession of the Church, and were then lost, and not recovered; [4.] He also demanded of the King to rest in his Council before others, in those things that pertain to God and Christianity, and as he would have him for his Terrene Lord and Protector, so the King would have him his Spiritual Father and Overseer of his Soul. Also concerning *Urban* Bishop of *Rome*, who the King had not yet received as Pope, he said he had received him as such, and should yield him all due obedience and subjection; and gave him notice of it, that no Offence or Scandal might arise about it for the future. [5.] The King was loath to restore all Lands, but would have reserved such Lands of the Church [6.] as he after the death of *Lanfranc* had given to his Courtiers for particular Services, and would have had *Anselme* consented that they might have holden them by Hereditary Right; [7.] but *Anselme* could not be brought to consent, that the Church should be any ways spoiled of its Lands or Rights. Hence arose the first difference [8.] between the King and him, about his Dignity, Bishoprick, and Prelatship; which remained undermined during the Kings Life; yet at present, being urged by the [9.] Clamour of all Men concerning the ruine and

(4.) He was born in *Autburg* in *Germany*, and was first a Monk, and then Abbat of the famous Monastery of *Bee* in *Normandy*. [1.] At this time there were two [1.] Popes, *Gilbert* or *Whiers* Arch-Bishop of *Revenna*, called *Clement* the Third, who was created by the means of the Emperor *Henry* the Fourth, Anti-Pope to *Gregory* the Seventh, *Pillor* the Fourth, *Urban* the Second, and *Paschal* the Second; he was buried in the Cathedral of *Revenna*, Anno Domini 1101, and not long after by the Command of *Paschal* the Second, his Body was taken up and burnt.

(1.) The other Pope at this time was [1.] *Urban* a Frenchman, Bishop of *Ostia*, and acknowledged by the French and *Italians*; he was created Pope at *Terracina* in *Italy* in *March* 1088. and died at *Rome* in *August* 1099, and was buried in *St. Peters* Church there.

G g

deftru-

[6.] *Flor. Wig.*

fol. 644.

the 110 Farm
Bishopricks
and Abbies.

[7.] *Edm.*

fol. 15. n. 30.

[8.] *Ibidem*,

fol. 16. n. 10,

20, 30, 40.

[1.] *Edm.*

fol. 18. n. 10.

Bishop *Anselm*

pressed to ac-

cept the Arch-

Bishoprick.

k.

[2.] *Id.* n. 40.

An. Do. 1093.

[3.] *Ibidem*,

fol. 19. n. 50.

he demands

Restitution of

the Lands be-

longing to the

Church of

Canterbury.

[4.] *Ibid.* m,

fol. 20. lin. 1.

He demands

of the King to

rest in his Ad-

vice in the

things that

pertain to

God and

Christianity.

He declares he

had acknowl-

edged Pope

Urban.

l.

[5.] *Ibidem*,

n. 20, 30.

The King

loath to re-

store all the

lands,

[6.] *Edm.*

fo. 20. n. 10.

[7.] *Ibidem*,

Anselm would

not consent to

the alienation

of any of the

Church

Lands.

[8.] *Ibidem*,

the cause of

the first diffe-

rence be-

tween the

King and *Lan-*

franc.

[9.] *Id.* n. 30.

[1.] *Onghb.*

Chron Pont.

Rom. An. 1080.

[2.] *Ibidem*,

Anno 1088.

A Council of the Nobility at Winchester. Arch-Bishop Anselm did Homage to the King. [1.] *Ibid.* fol. 20, n. 30. *Thomas Regis* [passim].

[4.] *Ibid.* fol. 21, lin. 4. [5.] *Ibid.* fol. 21, n. 30, 40. fol. 22, n. 10.

The King went into Normandy to take it from his Brother.

[6.] *Ibid.* fol. 24, n. 10, 20.

He persuadeth the King to restore the Church to its Pristine State.

[7.] *Ibid.* fol. 25, n. 10, 20.

Anselm falls from the Kings favour. The King refuseth his Prayers and Blessings.

The King returns out of Normandy without success.

[8.] *Ibid.* n. 30.

Anselm would go to Rome for his Pall.

[9.] *Ibid.* n. 40, 50.

The King is not willing he should.

No Pope to be owned without the Kings Licence.

[1.] *Ibid.* fol. 26, lin. 1.

[1.] *Ibid.* A Council of all the Bishops, Abbats, and great Men of the Nation.

[3.] *Ibid.* n. 10.

[4.] *Ibid.* n. 20, 30, 40, &c.

destruction of Churches, he held a Council of his Nobility at Winchester, and by many great Promises of what he would do for the Church of God, he persuaded Anselme to take upon him the Primacy of the English Church; who induced by the Example of his Predecessor, according to the Custom of the Land, [3.] did Homage to the King, as Lanfranc had done in his time, and it was Commanded he should have feizen of the whole Arch-Bishoprick; After [4.] which going to take possession of it, Thomas Arch-Bishop of York, and all the Bishops of England met at Canterbury, where he was Consecrated the Fourth of December 1093. [5.] At that time the King endeavouring to take away Normandy from his Brother Robert, wanted a great Sum of Money to accomplish his design, and the new Arch-Bishop offered him 500 l. towards his Expedition, which the King refused, expecting at least twice so much. And the King [6.] preparing for his Voyage, he expostulates with him about restoring the Church to its Pristine State and Condition which was lost, and for the making Abbats in the Monasteries that were void, [7.] but would part with no Money, not what he once offered, although pressed by other Bishops, saying, he had given the greatest part of it to the Poor; whereupon he fell from the Kings favour, who neither respected him as his Spiritual Father, or Arch-Bishop, and utterly refused his Prayers and Blessings. At the Kings return into England, after the expence of a vast Sum of Money without effect, [8.] Anselm went to him to let him know his intention, of going to the Pope to demand his Pall.

The King asked him, from which Pope he would require it, [9.] he answered him, from Urban; to which the King replied, that as yet he had not acknowledged him Pope; neither had it been the Custom in his or his Fathers time, that any one in the Kingdom of England should nominate or accept of a Pope without their Licence or Election; and whosoever should take from him this power, did the same thing as if he should endeavour to take away his Crown.

Anselm wondering at these things, rehearsed what before he had said to the King at Rochester, That while he was Abbat of Bee he had recognised Urban Pope; and that he would not by any means depart from his obedience and subjection; which words very much [1.] moved the King, so as he protested, that the Arch-Bishop against his will could not keep the Faith he ought to him, and Obedience to the Apostolick See. [2.] Anselm therefore desired a Council or Convention of the Bishops, Abbats, and all the Great Men of the Nation for the determination of this Question, Whether he might, saving his Revenue and Obedience to the Apostolick See, keep his Faith to a Terrene King. Which [3.] was granted, and almost all the Nobility of the whole Kingdom met at Rockingham in the Church within the Castle the Eleventh of March, by the Kings Order and Decree, for the ventilating of this Cause. In which Convention Anselm made a Speech, [4.] recapitulating how hardly he had been drawn to accept of the Arch-Bishoprick, and only by their persuasion, and that he had told the King he could not one hour depart from his Obedience to Pope Urban, and then with much perplexity urging the difficulty of his bearing Faith to both King and Pope, asks the Bishops Advice in the presence of the Great Men; who

who [5.] unanimously advised him to submit and obey the King in all things. But he told them, since he gave him their Prince Counsel only according to the will of one Man, (meaning the King) he would apply himself to the chief Pastor and Prince of all Men, and would follow what Counsel he should receive from him in the business of his own Church. Because it was said to Peter, Thou art Peter, and upon this Rock I will build my Church, and the Gates of Hell shall not prevail against it: and to thee I will give the Keys of the Kingdom of Heaven, and whatever thou bindest on Earth shall be bound in Heaven, and whatever thou loosest in Earth shall be loosed in Heaven; So also to all the Apostles in Commune it was said, He that hears you heareth me, and he that despiseth you despiseth me, and he that toucheth you, toucheth as it were the Pupil of my Eye; And as things were taken to have been principally said to St. Peter, and inally spoken to the Vicar of St. Peter, and by him to the other Bishops Successors to the Apostles, not to any Emperor, King, Duke, or Count. Yet we are also taught in what things we ought to be subject to Temporal Princes; Give unto Caesar the things that are Caesars, and the things that are Gods unto God. These are the Words, these the Counsels of God, these I approve, these I receive, from these I will not depart; Wherefore ye shall all know in general, that in the things that belong to God I shall yield Obedience to the Vicar of St. Peter, and in those that of right belong to the Terrene Dignity of My Lord the King; I will give faithful Counsel and assistance according to my utmost skill and power.

With this Discourse he [6.] distracted the thoughts, and brake the unanimity of the Bishops and Great Men; yet they urge him again, [7.] that he knew the whole Kingdom complained against him, that he endeavoured to take away the Crown from their Commune Lord, [8.] for whosoever takes away or destroys the Customs of Regal Dignity, takes away both Crown and Kingdom; and withal advise him to quit his subjection to Urban, and wholly submit himself to the Will of the King. He gave them the hearing of these things, but would in no wise deny his Obedience to the Pope. This troubled [9.] the King, but much more when the Bishops by his perseverance grew faint and cold in this Affair, and especially one of his chief Champions, William Bishop of Duresme, plainly affirmed nothing could be brought to enervate the Reasons of Anselme, being founded upon the Word of God, and Authority of St. Peter; yet he [10.] advised to oppress him by Violence, and if he would not submit to the Kings Will, to take away his Staff and Ring, and banish him the Kingdom. [2.] This Advice pleased not the Great Men, to whom the King said, If this don't please you, what will? And adds, While I live I will not suffer an equal in my Kingdom. Notwithstanding the Courage of the King, he so far gained [3.] upon the Bishops by urging the Popes Authority over him, and his over them, that they told the King they were sorry they were not able to satisfy him, for being Primaries not only of England, but also of Scotland and Ireland; with the adjacent Isles, and they his Suffragans, they could not reasonably Judge or condemn him, although he was faulty.

[5.] *Ibid.* fol. 27, n. 10, 20, 30.

The Bishops advise Anselm to obey the King in all things.

Anselm Speech to the Bishops and Great Men.

[6.] *Ibid.* fol. 28, lin. 8.

[7.] *Ibid.* n. 20.

[8.] *Ibid.* The Bishops advise Anselm to relinquish Urban, and submit to the King.

[9.] *Ibid.* n. 40, 50.

The Bishops grow faint in the Kings Cause.

[10.] *Ibid.* The King advised to take away Anselms Staff and Ring.

[2.] *Ibid.* That Advice pleased not the Great Men.

[3.] *Ibid.* fol. 30, n. 10, 20, 30.

Anselm baffled the Bishops by urging the Popes Authority add his own over them.

[4.] *Ib. fol.*
31. n. 40, 50.

[5.] *Ib. fol.*
31. n. 50, 30.

The King
sends two
Messengers
to Rome to know
which Pope
was Canonically
Instituted.
And to Treat
with him
about sending
the Pall to the
King.
[6.] *Ibidem.*
[7.] *Ibidem.*
n. 40, 50.
The Pall is
brought to
the King.

[8.] *Ibid. fol.*
31. n. 3, 40.

The King ac-
knowledge
Urban Pope.
But could not
persuade him
to Depose
Anselm.
[9.] *Ibidem.*
n. 10.
[11.] *Ibidem.*
n. 30.

[12.] *Ibidem.*
n. 50.

The Great
Men persuade
the King to
receive An-
selm into
favour.
[13.] *Ibidem.*
fol. 34. n. 7.
He refused to
receive the
Pall from the
King.
[14.] *Ibidem.*
n. 10, 20, 30.

[15.] *Append.*
n. 16.

After much Debate in this matter, [4.] it was referred to a further Hearing until eight days after *Whitsunday*. In the mean while the King Banished Baldwin a Monk, *Anselm* chief Counsellor, and two of his Chaplains, which much afflicted and troubled him. [5.] During this Truce or Respite of Hearing this Cause between the King and *Anselm*, the King sent two of his Chaplains, *Gerard* and *William* to *Rome*, to enquire of the State of that Church, and which of the Popes was Canonically Instituted; and that being known, they had in Command to Treat with the Pope, and to tempt him with great Promises, that he might send to the King the Arch-Bishops Pall, that so having expelled *Anselm* from his Arch-Bishoprick, and also out of the Kingdom, might dispose of it to whom he pleased. [6.] When these Messengers returned, *Walter* Arch-Bishop of *Albano* (a City fourteen Miles from *Rome*) came with them and brought the Pall privately, [7.] passing by *Canterbury* silently, avoided *Anselm*, and hastened to the King, saying nothing of the Pall he brought to any one, as the King had commanded, not willing to have his Design discovered.

Nither did he Mediate with the King to have any thing of his Severity (as it was then thought by many of the Nobility and Clergy) against *Anselm* mitigated. [8.] With this Artifice and his Crafty Management, he brought the King into so good an opinion of *Urban*, that he believed he would not have any Controversie with him about any matter whatever, if he should receive him as Pope, and declare him to be so in his Kingdom, which he did accordingly, and laboured with the Bishop by all possible means, that by the Pope's Authority, backed with Regal Power, he would Depose *Anselm*, but could not prevail; [9.] by which he perceived he had gained nothing by acknowledging *Urban* for Pope. [11.] The day being at hand to which the Debate at *Rockingham* was Adjourned, *Anselm* was Commanded to be at a Town of his own nigh *Windfor*, where the King kept the Feast of *Pentecost*; that there might be a more ready Inter-course between them. Most of the Bishops repaired to him, and moved him by Money to reconcile himself to the King; but being inflexible, he only desired safe Conduct of the King to Sea, and then when he understood what he had to do, he would do. [2.] Notwithstanding all this, the King by the Advice of his great Men, laying aside what was past, received *Anselm* into favour. And as Spiritual Father of the Kingdom, and Bishop of *Canterbury*, granted that he might exercise his Office through *England*. This pleased *Anselm*, [3.] but when he was to receive the Pall, some persuaded him that for continuance of the Kings favour, and saving his Honour, he would receive it from the hands of the King; He refused, saying, the gift of it belonged not to him, but to the singular Authority of *St. Peter*. [4.] It was then ordered, that he which brought it into *England* should lay it upon the Altar of the Saviour, and thence *Anselm* should take it as from the hand of *St. Peter*, which being brought in a Silver Box, with great Pomp, accompanied with a vast number of Clergy and Laity, he came bare Foot in his Priestly Vestments to meet it, and then being laid upon the Altar, took it from thence, which was humbly kissed of all for the Reverence they bare to *St. Peter*, and the Arch-Bishop putting it on presently Celebrated Mass. About this time [5.] *Murcherach* King of *Ireland*,

and

and many *Irish* Bishops and Nobility, with the Clergy and People of *Waterford* requested *Anselm* to Consecrate *Malchus*, a Monk belonging to *Walkelin*, Bishop of *Winchester*, whom they had chosen to be their Bishop, which he did at *Canterbury* with the Assistance of *Ralph* Bishop of *Chichester*, and *Gudolph* Bishop of *Rocheester*.

An *Irish* King
and the Peo-
ple of *Water-
ford* Request
Anselm to
Consecrate
the Blect of
Waterford
An. Do. 1096.

[6.] *Ibidem.*
fol. 37. n. 10,
20, 30, 40, 50.
The King
marcheth into
Wales.

Anselm sends
raw Soldiers
to the Kings
assistance.
He is sum-
moned to the
Kings Court.
Reluctant to
appear.

The King de-
nies him leave
to go to the
Pope.

[7.] *Ibid. fol.*
38. n. 6.
Anselm per-
sists the King
for leave to
go to *Rome*.
[8.] *Ibidem.*
n. 20.

The King de-
nies it, and
threatens to
seize his Arch-
Bishoprick.

[9.] *Ibidem.*
fol. 39. n. 20.
[11.] *Ibidem.*
n. 40.

[12.] *Ibid. fol.*
40. n. 5.
Anselm de-
clares the
Custom by
which he was
prohibited to
go to the
Pope to be
against the
Word of
God.

[13.] *Ibidem.*
n. 50.

[14.] *Ibid. fol.*
41. n. 8.

[15.] *Ibidem.*
n. 10.
Anselm goes
beyond Sea
without the
Kings leave.

[16.] *Ibidem.*
n. 20, 30.

This Arch-
Bishoprick is
seized.

[6.] The next year the King marched into *Wales*, to suppress an Insurrection there, and returning Victorious, he charged *Anselm* with the small number, rawness, and ill appointment of the Soldiers he sent to that Service, and therefore commanded him to appear when he should be called, and do him right according to the judgment of his Court; Which he declined, and thought it better to apply himself to the Authority and judgment of the Pope in this matter, and therefore in the Feast of *Pentecost*, he went to Court, and by some great Men about the King which were his Friends, he asked leave of him to go to *Rome*, which the King denied. In [7.] the Month of *August* following, the King considering the State of the Kingdom, by his Precept Convened the Bishops, Abbats, and all the great Men of the Nation, who having dispatched the Business they were called together for, while every one hastened to return home, *Anselm* stayed and pressed the King for leave to pass to *Rome*: The King denied him the second time; [8.] yet he still urged the King, who then said, if he went he would seize his Arch-Bishoprick, and would not acknowledge him Arch-Bishop.

But he persisted; and being told [9.] by several Bishops and some Barons, he had promised the King to observe his Usages and Laws, and to defend them against all Men, [11.] Answered, He had promised to observe neither, but so far as they were agreeable to the Laws of God, and to the Rules of Equity and Right; and pronounced that Custom by which he was prohibited to go to the Pope for his Souls health, and to Advise with him about the Government of the Church of God, was against the Laws of God and Rules of Equity, and therefore ought to be despised by every Servant of God; [3.] and then told the King plainly he would go. [4.] This Controversie happened the Fifteenth of *October* 1097. on which day [5.] *Anselm* went towards *Canterbury*, and so on to *Dover*, where he lay fifteen days for a Wind; and when he and his Retinue were ready to take Ship, [6.] their Bags and Sachells were all searched by *William Whirlmass*, who was sent from the King with order to do it; and presently after he was gone, his Arch-Bishoprick and all that belonged to him was seized to the Kings use.

Anselm coming to *Lyons* in *France*, sent an Epistle [7.] to the Pope, setting forth his Grievances and Complains of the King, that he gave the Lands of the Arch-Bishoprick, which he held in his hands after the death of *Lanfranc*, to his Knights or Soldiers, and did not restore them to him as *Lanfranc* held them; that he exacted grievous Services from him, such as his Predecessors knew not, and such as he could not, nor ought not to bear; and that he overturned the

[17.] *Append. n. 17.* *Anselm* Complaints to the Pope concerning the Kings usage of him and of the Church Lands.

Laws

[2.] Flor. Wig.
fol. 649.[3.] Ibidem,
fol. 650.

mean Parentage, but Eloquent, and of a ready Wit, and an invincible Lawyer; to whom the King [2.] committed the dispatch of the Business of the whole Kingdom, and gave him the Bishoprick of *Duresme*. His craft and subtilty was such, that he became [3.] the general Informer of the Kingdom, and had got such power, that he punished some Rich Men all the Kingdom over, by taking away their Lands; and the Poorer sort by imposing on them a great and unjust Tribute; and many ways oppressed both great and small, as well before as after he was Bishop, until the King died, who was buried in the Cathedral at *Winshester* before the high Altar.

THE

THE REIGN OF Henry the First.

THE words by which Historians of these times express the manner of this Kings ascending the Throne are various.

[1.] *Endmer* says *William Rufus* died the Second of *August*, and that [2.] *Henry* succeeded his dead Brother. *Florence of Worcester* [3.] tells us he was slain in the *New-Forest* on the Fourth of the Nones of *August*, (which is the Second of that Month) and that his younger Brother *Henry* succeeded him; and on the [4.] Nones of *August*, (which is the Fifth day) being *Sunday*, was consecrated King by *Maurice* Bishop of *London*. [5.] *William of Malmesbury* reports, that *Rufus* was slain the Fourth of the Nones of *August*, and that after his Funeral [6.] *Henry* was * chosen King, chiefly by the assistance of a *Henry* Earl of *Warwick*, after some Contests among the great Men; and that he was [7.] * Crowned at *London* with the Shouts of the Rabble on the Nones of *August*, four days after his Brothers death, which are to be understood inclusive of the Second and Fifth. [8.] *Hen. of Huntington* says *Rufus* was killed in the *New-Forest* on the Morrow after the Kalends of *August*, (which is the second day) that [9.] the day after his death he was buried at *Winchester*, and *Henry* his younger Brother was there Elected King; and that going from thence to *London*, he was by *Maurice* Bishop of *London* Consecrated. [1.] *Simeon Dunelmensis* in this Relation transcribes *Florence of Worcester Verbatim*. [2.] *Ordericus Vitalis* relates, that King *William* on the Morrow after the Kalends of *August*, after Dinner, went a Hunting in the *New-Forest*, and with him his [3.] Brother *Henry*, *William* of *Breteil*, and other Illustrious Persons dispersed in the Woods, it was not

(*) He was younger Son of *Roger de Bellomonte*, [4.] by *Adelina* Daughter and Heir of *Walter* Earl of *Mein*, a Town upon the River *Seyn*, in *Norman*, between *Mein* and *Belmont*; He was made Earl of *Warwick* in the later end of the Reign of *William* the First, or beginning of *William* the Second.

(b) He was [5.] eldest Son of *William Fitz-Osborne* Earl of *Hereford*, and had his Fathers Estate in *Normandy*, of which *Britolium* or *Bretolium* was the chief Seat, from whence he was called *William de Bretille*, now *Breteil*, not far from *Breux*.

H h

long

[1.] *Flor. nov.*
fol. 14. n. 10.[2.] *Ibidem*,
f. 55. n. 10.[3.] *Flor. 649.*

An. Do. 1100.

[4.] *Ibid. fol.*

150. lin. 9.

[5.] *In W. 2d.*

f. 71. a. n. 40.

[6.] *ib. in 11.*

11. f. 88. a. n.

20.

a.

* See the

Glossary.[7.] *Ibidem*,

n. 30.

[8.] *Hist. lib.*

7. f. 216. b.

n. 20.

[9.] *Ibidem*,

n. 30.

[1.] *Col. 225.*

n. 10, 10, 30,

Cc.

[2.] *Flor. 781.*

C. 72. A.

[3.] *Ibidem*,

fol. 78. B.

b.

[4.] *Gemet.*

lib. 7. cap. 4.

Serj. Norm.

f. 1091.

Henry Earl of*Warwick*, who

he was.

[5.] *Gemet.*

lib. 8. cap. 5.

William of*Breteil*

whence, and

who he was.

The Contest
between Wil-
liam of Bre-
tuel and King
Henry about
his Succession.

long before the King was killed, whose death made an horrible noise in the Forest; Henry posted to Winchester, where the Royal Treasure was, and demanded the Keys, as if he had been true Heir. William of Breteuil followed him in great haste, and intending to prevent his design, said to him, We ought legally to remember the Faith we have engaged to your Brother Duke Robert, who is the fifth born Son of King William; and I, and you my Lord Henry have done him Homage, and therefore we are in all things to keep our Faith to him, as well absent as present.

Upon this there was a sharp Contention, and a great Confluence of Men; Henry's power increased, who laying his Hand upon his Hilt, drew out his Sword, and would not permit any Stranger by a frivolous delay to seize the Scepter of his Father. At length Friends and Wife Counsellors coming together, the Contention was allayed, and by sound Advice, lest there might be made a greater Division, the Castle and the Royal Treasure was delivered to Henry; and then hastning to London with Robert Earl of Mellent, was [6] the Sunday after Crowned in the Church of St. Peter at Westminster by Maurice Bishop of London.

Three, if not four of these Historians were living, and in all probability Writers at the time of this Transaction, and they all agree in the time of King Williams death, Henry's invading the Throne, and his Coronation; They all likewise agree, that he promised [7.] to destroy all evil Customs, and remove all unjust Exactions, to restore the Church to her Liberties, and King Edwards Laws, with such Emendations as his Father had altered or mended them; Which Grants [8.] were drawn into the form of Letters, or a Charter, and being Sealed with his Seal [9.] the day he was Crowned, were by his Command published all the Kingdom over. This whole Charter is to be found in * *Mat. Paris*, and is recited in the Answer to *Argumentum Antinormanicum*, with an Exposition upon it.

Immediately after the Coronation, [1.] the King and great Men dispatched away a Messenger to Arch-Bishop Anselm, then in Exile at Lyons in France, inviting him to return into England with what speed he could; The King in his Letters, adding his Prayers and Wishes for the same, promising to subject himself and his Kingdom to his Counsel and Government. He landed at Dover the Twenty third of September following, to the exceeding great joy of the whole Nation, of whom more afterwards; Only this shall be here noted of him, That not [2.] long after his return, the Cause of Mauds Daughter of Malcolm King of Scotland, (with whom the King was in Love) whether she might lawfully marry, or not, was discussed. The reason of the doubt was, for that she had been Educated in a Monastery amongst Nuns from her Infancy, whereupon it was thought by many that had seen her amongst them Veiled, that her Parents had offered her to the Service of God. This was

C.
[6.] *Ord. Vit.*
fol. 783. A. B.

[7.] *In loc.*
clia.

[8.] *Edm.*
fol. 55. n. 40.
[9.] *Flm. Wig.*
ut *supra*.
King Henry
his Charter.
* *P. 55. n. 40.*

[1.] *Edm.*
fol. 55. n. 30.
Arch-Bishop
Anselm called
from Exile,
The King sub-
mits to him.

[2.] *Ibid.* fol.
56. n. 30, 40,
56.

The Case of
King Henry's
Quest.

[4.] *Gives.*
Script. Norm.
lib. 8. cap. 15.

(c) He was [4.] eldest Son to *Roger de Bellomonte*, and *Adela* above said, and in her right Earl of *Mellent*, now *Melant*, seated as above said.

put

put to the determination of Anselm alone; but without the approbation of a Council he would determine nothing. And therefore he calls [3.] the Bishops, Abbats, Nobles, and Men of Religious Orders together at Lambeth, where she confessed that indeed he was Veiled against her will, and took that Habit upon her to preserve her Chastity from the furious and tempting Lust of the Normans, which she proved by sufficient Witnesses, and that not only she, but many other Matrons and Virgins, when the great William first Conquered this Land, went into Monasteries and Veiled themselves, that they might thereby be protected from the Nefarious Lust of his Followers, who puffed up with so great a Victory, thought all things subject to their Will and Luxury, and that they might not only seize the Estates of the Conquered, but also ravish Matrons and Virgins when they had opportunity. Upon which Allegation and Proof by Judgment of the Council and Anselm, [5.] she had the lawful liberty of her Body allowed, and that according to the Law of God she might marry; and soon after was joyned in Marriage to King Henry. He began his Reformation of the Nation with imprisoning [6.] Ranulph Bishop of Durham, the great Instrument of his Brothers Oppressions and Exactions, in the Tower of London, from whence after Christmas he made his escape, and passed the Sea to Duke Robert, (who had returned into Normandy [7.] in September preceding) and persuaded him to invade England. And very many of the chief Men thereof [8.] sent Messengers to him, to make haste and come thither, promising him the Crown and Kingdom. And [9.] *Malmshury* reports of all the great Men of this Nation, there only remained faithful Robert Fitz-Haimon, Richard de Ridvers, Roger Bigod, Robert Earl of Mellent, with his Brother Henry; all others privily favoured Robert, and would have had him King, or openly reproached, and contumeliously used Henry. In the Solemnity of Pentecost there was a warm [3.] Report, that Robert was coming for England, which much moved the Court, and inclined the Minds of many, some one way, some another; The Chief Men suspected the King, and he them; They him, that having obtained Peace he might urge them with severe Laws; And he them, lest they should desert him, and set up his Brother. In this difficulty [2.] Anselm desired was such a Mean between them and the King, that he promised to govern by Holy and just Laws; In this they rest satisfied, believing themselves secure.

The King hearing of his Brothers Preparations, raised a great Army, and was resolved to give him Battle; Anselm with his Friends in this Army watched diligently about the King; yet so soon as it was noised that Duke Robert was landed at Portsmouth, forthwith the great Men of the Kingdom, unmindful of their Engagements, prepared to march to him and leave the King; [3.] of which Anselm having certain notice, was grieved, and was the more earnest to prevent any ill that might befall him; The King not only suspected the loss of his Kingdom, but of his Life, and could trust none but Anselm, whence he came often to him, and brought with him such great Men as he feared, that by his Speeches they might be terrified, and kept steady to the faith they had engaged, and he relieved from his fear. And then the King promising to Anselm that he should freely exercise the Ecclesiastick Laws and Discipline, and that ever

[3.] *Ibidem*,
fol. 57. n. 10.
A Council at
Lambeth.
The Lust and
Luxury of the
Normans.

[6.] *Ibid* fol.
58. n. 10, 20.
Ran. Bishop
of Durham
imprisoned.
[6.] *Flm. Wig.*
fol. 690.

He makes his
escape, and
flies to Duke
Robert, and
persuades
him to invade
England.

[7.] *Ord. Vit.*
f. 784. B.
[8.] *Flm. Wig.*
ut *supra*.
[9.] *P. 80. n.*
40.

There were
all Normans
by birth.
Most of the
great Men of
England fa-
voured Robert
Duke of Nor-
mandy.

[1.] *Edm.*
f. 58. n. 50.
The King and
they suspect
one another.

[2.] *Ibid.* fol.
59. lin. 4.

Anselm recon-
ciles them.
Ibid. n. 10.
Duke Robert
lands at
Portsmouth.

The great
Men prepare
to go to him.

[3.] *Edm. ut*
supra, n. 20.
King Henry
fears the loss
of his King-
dom and Life.
He makes
great Promi-
ses to Anselm
of Obedience
to the Church
and Pope.

after

H h 2

Anselm fixeth
the great Men
to King Henry.

after he would be Obedient to the Decrees and Commands of the Apostolick See. He called together the great Men, and urged upon them and the whole Army how execrable a thing it was for them to violate their Faith given to the King, by which Discourse he changed their Minds, and they resolved rather to lose their Lives than revolt from him; and it was from his Fidelity and Industry that Henry at that time lost not the Kingdom of England. And Robert failing in the trust reposed in the great Men, and fearing to be Excommunicated by Anselm, as an Invader, made Peace with his Brother, and dismissed his Army.

[4.] Fol. 650.
lin. 27.

Florence [4.] of Worcester says as above, that very many of the great Men sent for Duke Robert over, and promised him the Crown and Kingdom; and coming, they did some of them adhere to him, and others dissembling their Kindness and Affection to him, staid with the King. But the Bishops, Common Soldiers, or Stipendiaries, and English remained with him, being unanimously ready to fight for him. At which time the Wife Men on both sides consulted together, and by their Mediation made Peace between the Brothers on these Conditions; That Robert should yearly receive 3000 Marks; and that all such as had their Earldoms and Baropies taken from them in England for their Fidelity to the Duke, and all those that had the like Estates taken from them in Normandy for their Fidelity to the King, should have them again freely without Compositions.

The two Brothers are reconciled by the Mediation of Wife Men. The Terms of Peace.

[5.] Fol. 785.
An. Do. 1101.

Ordericus Vitalis gives a third Relation of this Transaction. In the year of our Lord, [5.] says he, 1101. the Seditious great Men, (fearing the Magnanimity of King Henry, and loving the easiness of Sloathful Duke Robert, sent to him that he would suddenly provide a Fleet to transport himself) [6.] that is to say, Robert de Belisim, his two Brothers, Roger the Poitevin, and Arnulph, William de Warrenne, Earl of Surrey, and Walter Giffart, Ivo de Grenemaisnil, Robert the Son of Ibert, and many others who first privately entred into a Confederacy, and then publicly advanced the Dukes Title. Anselm the Arch-Bishop, and all the Bishops and Abbats, and all the Clergy, and English, adhered to their King; as also did Robert Earl of Mellent, and others. [7.] In Autumn Robert landed at Portsmouth, where he was received of the Nobility, who had long since done him Homage. The two Brothers remained with their Forces in a [8.] Plain some days, and there was daily an Intercourse of Messengers between the Noblemen on both sides, without effect; At length only the two Brothers by consent, without any Assistants, met between the two Armies, and after some Discourse, agreed, That Robert should quip his Claim to England, and release the Homage his Brother had done to him in respect of the

[6.] Ibidem,
fol. 786. A.
C.

[7.] Ib. 787.
B. Aug. 1.

[8.] Ibid. fol.
788. A. B. C.

[9.] Malm.
f. 88. b. n. 30.
Rogerus Pissavensis, who he was Domest. in istem Comit. His great Estate.

(d) In the Latine, Honores sui, which signifies strictly the Seat and Head of the Earldom or Barony; but generally Earldoms, Baronies, and Honourable Estates.

(e) He was so called because [9.] he Married a Poitevin Woman, and was the same Roger Pissavensis, who in the Conquerors Survey is said to have possessed all the Lands between the Rivers Rible and Marfy in Lancashire, and so much more as made 188 Manors in that County, 75 in Yorkshire, three in Essex, 19 in Suffolke, 11 in Nottinghamshire, seven in Derbyshire, 10 in Norfolk, 44 in Lincolnshire; in all 398.

Royal

Royal Dignity; That Henry should yearly pay to him 3000 l. Sterling, and render up to him the whole Country of Constance, and all he possessed in Normandy, except Damfront. They also then agreed upon mutual Assistance; and that they should reclaim all their Fathers Lands and Demeasins; And lastly, That they should equally punish the Fomenters of Discord and Contention on both sides. After this Agreement the Duke staid here two Months, and then he returned, and with him William de Warrenne, and others that had lost their Estates in England for his sake. Not long after [1.] William de Warrenne made a sad Complaint to the Duke, that for his Cause he had lost his Earldom of Surrey, of the yearly value of 1000 l. and prevailed with him to come over into England to mediate with the King for the Restitution thereof. But moving him in this matter, he upbraided him with breach of the Peace, for not bringing Publiok Traytors to Punishment; and not exercising a due severity upon Turncoats, telling him he had that very year kindly received Robert de Belisim, and given him his Fathers Possessions, the Castle of Argenstoke, the Bishoprick of See's, and the Forest of Goller. [2.] To all which was charged upon him, the Duke humbly promised amendment; and at the Instance of this Queen he released the Annual payment of 3000 l. whereupon the King was reconciled to him; renewed the former Peace, and restored William de Warrenne to his Earldom, who ever after remained faithful to Henry, and was numbered among his chiefest Friends.

After King [3.] Henry had made Peace with his Brother, and was confirmed in his Kingdom, he began by degrees to punish such Traytors as deserted him, and adhered to, and invited over Duke Robert. He summoned to Trial Robert Maller, Ivo de Grenemaisnil, Robert de Pontefrakk, the Son of Ibert Lacey, and Robert de Belisim, the greatest of them all with many others; yet not all at once; but severally, at divers times, and after divers ways, he impleaded them as guilty of violation of their Faith. Some of them that could not purge themselves of the Crimes wherewith they were charged, he condemned in great Sums of Money; and from others which he most feared and suspected he took away their Estates and banished them.

When the mighty Earl [4.] Robert de Belisim was summoned to the Kings Court, there were objected to him forty five Crimes in Words and Deeds committed against the King, and his Brother the Duke of Normandy, and he was Commanded to Answer openly to every one of them; for the King by the space of a year had set his Spies upon him, who observed and committed to Writing all his oblique Actions. He being thus charged, asked leave, as the Custom was, to go to Counsel with his Friends; and having obtained it, knowing he could not purge himself of the Transgressions objected to him, in great fear he fled to his Castles, while the King with his Barons were expecting his Answer. The Kings Serjeant came and informed them that Robert had made his escape, whereupon the King issued his Proclamations, that unless he came in and submitted himself to Trial, he was adjudged a publick Enemy. But in stead of appearing before the Court, he fortified his Castles, the praying Aid of all the Normans that were of his Alliance, of the

[1.] Ord. Vit. f. 804. C. D. The Duke mediates for the Restitution of the Earldom of Surrey to William de Warrenne. The King rebukes him for it. [2.] Ibidem, fol. 805. A. Duke Robert releases the Annual payment of 3000 l. The Earl of Surrey is reconciled.

[3.] Ord. Vit. fol. 787. B. 804. C.

Several Traytors summoned to Trial.

Some were Fined, others lost their Estates.

[4.] Ibidem, fol. 806. A. An. Do. 1122. Robert de Belisim summoned to Trial.

He flies to his Castles.

The King issues a Proclamation against him to appear. He fortifies his Castles.

Well,

The King raised an Army. *Anglia Exercitum Convocavit.* Arnulph Castle besieged.

[1.] *Hoved.* fol. 69. a. n. 10.

Tikhill and Bridgnorth Castles besieged.

[6.] *Ibidem*, n. 30.

Shrewsbury Manned against the King.

The *Welsh* join with the Earl against the King.

[7.] *Ord. Vin.* fol. 807. A. B. C.

The Earl disinherited *William Pantulf*.

He assists the King, and by Gifts and Promises brings the *Welsh* to the Kings side.

Shrewsbury delivered to the King.

The Stipendiaries had leave to depart with their Horses and Arms.

[8.] *Ibid.* fol. 808. A. B. C.

The King takes away his Earldom of *Shrewsbury*, and his Lands.

Bartholomew his two Brothers, and endeavours to extirpate that Family in *England*.

[9.] *Ibidem*, C. D.

Robert de Beilimo waited *Normandy*.

He had thirty four strong Castles.

Welsh, and all others of his Relations or Affinity. Upon this obstinacy the King presently called together the Army of *England*, and besieged his Castle of *Arundel* in *Sussex*, and building several Castles about it, departed. The Besieged Petitioned the King for leave to dispatch Messengers to their Lord, that he would either send them Relief, or permit them to reconcile themselves to the King, which was granted. And seeing he could not help them, very forrowfully gave them leave to make their Peace with him.

At this time the King [5.] Commanded the Bishop of *Lincoln* with part of the Army to besiege *Tikhill* Castle, while he himself went and besieged *Bridgnorth* Castle in *Shropshire*, from whence *Robert* was gone to *Shrewsbury*. Here the King stayed three weeks, and by [6.] Gifts corrupting the *Welsh*, in whom the Earl placed most confidence, they rendered to him the Castle. *Robert* stayed not long in *Shrewsbury*, but left it to the care of *Roger* the Son of *Robert de Nevil*, and *Ulger Venables*, with whom he joined eighty Stipendiary Soldiers, and made Peace with the *Welsh*, and drew their Kings *Cadogan* and *Gervat* the Sons of *Refe* to his Party, by whom and his own Forces he often disturbed the Kings Army. [7.] Before this time the Earl had disinherited *William Pantulf* a great Man in *Shropshire*, who withdrew his Assistance from him, and returned to the King, who forthwith sends him 200 Soldiers, and makes him Governor of *Stafford* Castle, from whence by Excursions he mightily annoyed the Earl above all others, and at length by Promises and Gifts brought off the *Welsh* Kings and their Forces to the Kings side. After this the King demanded the Town of the two Governors, and threatened that if it were not delivered in three days, he would Hang all he should take there; The Governors Treat with the King, by the Mediation of *William Pantulf* who was Allied to them, and they the Townsmen and Burgesses were willing to save themselves, and deliver up the Town. The Stipendiaries knew nothing of this Treaty, but remained faithful to their Master, and therefore when the King entered the Town, he permitted them freely to depart with their Horses and Arms.

The King having thus subdued his Enemy, [8.] he took away his Earldom and Lands, and all the Estates of such as adhered to him, and gave him safe Conduct to pass beyond Sea, and with him he sent away the two wealthy Earls his Brothers, *Roger Fitzavensis*, and *Arnulph*, and seized their Estates; his Enmity being such against *Robert*, that he endeavoured totally to extirpate that Family in *England*.

They being [9.] expelled out of *England*, there followed mad work in *Normandy* for three years together; Many Towns were burnt, and Churches with the People in them that fled to them for safety. Almost all *Normandy* rose up against this boisterous and unquiet *Robert de Beilimo*, but they wanted a Head and a Leader of such Courage as might subdue so great a Warter and Subverter of his Country. He was a Man of Parts and Cunning, and had a considerable Strength about him, and supported himself by his Wealth which he had treasured up in thirty four strong Castles, that he had formerly built with a design of Rebellion. He only enjoyed his

his Fathers Estate, nor suffering his Brothers to possess any part of it, although for his sake they had lost their Fortunes. *Roger* left him, and took himself to *Carol-Castle*, which was his Wives Inheritance, and there grew old and died. *Arnulph* after many difficult Undertakings for him, to no purpose, grew discontented, and fell off to the Duke, seized the Castle of *Amantes*; now *Almichefles*, delivered it to him, and such as favoured his Brother that were in it. In the Territory also of *See's*, many with *Arnulph* left the Turbulent Earl, and delivered their strong Holds to the Duke.

Although he was much [1.] dismayed at the Revolt of his Brother, yet hearing some of the Kings Troops were quartered in the Abbey of *Almanica* with design to harass and plunder the Country; He presently marched thither, fired and burnt it; he there took many Prisoners, whereof some he punished with death; others he dismembered. In the mean time the Duke was with the Army of *Normandy* at *Hiesmes*, and marching towards the Earl, he drew up his Forces, and many ways attempted the Duke, and boldly charging him upon a Cauley, put him to flight, and made many his Prisoners. Puffed up with this success, and scorning the Duke, he endeavoured to bring all *Normandy* under his power; the Country where he was, and the Neighbouring Territories submitted to him, not being able to resist. He took in the Fortress of *Hiesmes* and *Ganters* Castle (now *Gohet*) and many other Castles round about him.

About this time died [2.] *William de Britolio* or *Breteil*, without lawful Issue; His two Grandchildren *William de Guader*, and *Raynald de Cracy* contended who should succeed him. The *Normans* rather chose for their Lord his Son *Eustachius* by a Concubine, as more affecting one born in their own Country, though a Bastard, than either a *Britain* or *Burgundian*; from whence there arose the great War among the Adverse Parties, and great desolation of the Country. *William de Guader* soon died, and left *Raynald* to contend with *Eustachius*. [3.] To *Raynald* *Ralph de Conche* the Son of *Isabel*, and *Ascelin* Goell, and *Almaric de Monteforti* joined their Forces and wasted the Country, but were not able to do much for him; for *Eustachius* had with him *William Aliu*, *Ralph Rastin*, and *Tedbald*, and other his Barons, which made a stout resistance, by whose Advice against so many Enemies, he craved the help of the King of *England*, who Married his Natural Daughter *Julian* to him, and gave him such Assistance as neither Goell nor all his other Enemies could withstand.

After this Match King *Henry* [4.] employed *Robert* Earl of *Melbourn* to compose the Differences in *Normandy*, and sent to Duke *Ro-*

He gave his Brothers nothing of his Fathers Estate. *Roger* dies. *Arnulph* leaves his Brother.

[1.] *Ibid.* fol. 809. A. *Robert de Beilimo* burns the Abbey of *Almanica*.

He routs the Duke's Army.

[2.] *Ibidem*, fol. 810. B. A great War and Contention in *Normandy* about a private Estate.

[3.] *Ibid.* C. F.

[4.] *Ibid.* 811. B. C. D. An. Do. 1103.

(F) These were *Norman* Barons, and this *Ralph de Conche* was the same [4.] Person with *Ralph de Tedbald* Lord of *Hamstead* in *Hampshire*, who afterward Married *Allice* one of the three Daughters of *Judith* Widow of *Walter* Earl of *Exeter*, *Northampton*, &c. the eldest Niece to the Conqueror by his half Sister *Maude* Countess of *Albanie*, the eldest Maude being Married to *Simon de St. Liz*, or *Syromonding*, with whom he had the Countess of *Exeter*, &c. and the child was Married to *Robert* the fifth Son of *Richard* de *St. Brice*.

[4.] *Gemein*. lib. 4. c. 37. Ord. 17. f. 813. D. G. 1103. G.

bert

bert and other great Men to assist his Son in Law, and resist his Enemies, otherwise they should feel his displeasure; Many that were his Enemies not willing to disoblige the King, became Friends to *Enfance*; yet *Rafnald* and *Gool* persisted, and by a nefarious rashness committed Slaughters and Burnings, but *Enfance* prevailed, gained the possession of his Fathers Honour, and *Rafnald* was beaten out of the Country; Then *Robert* Earl of *Mellent* reconciled all other litigating Parties, and made perfect Peace between them.

In the mean time [6.] the Duke seeing the desolation of his Country, and not able to defend it against *Robert de Belism*, without Advice of his Brother, (contrary to Agreement) made Peace with him, and granted him his Fathers Honours and Estates, the Bishoprick of *Seez*, and others beforementioned. [7.] The Bishop of *Seez*, *Serlo*, and *Ralph* Abbat of the same, not willing to live under the Power and Tyranny of this *Robert*, after having Anathematized him, departed from that place and fled into *England*, to King *Henry*, who received them very kindly.

Not long after many Honourable [8.] Persons of the *Normans*, as well of the Clergy as Laity, reflecting upon the Miseries of the Church of God, and their Country, Petitioned *Henry* to come over, and take it into his Protection, and to Correct the Prophane Spoilers with the Rod of Justice; Accordingly he passes into *Normandy* with a great Fleet, and visits *Danfront* and other Towns subject to him; [9.] and was very Honourably received by his own great Men, and plentifully presented after the Royal Custom. For *Robert* Earl of *Mellent*, *Richard* Earl of *Chester*, *Stephen* Earl of *Albanarle*, *Henry* Earl of *On*, *Rotra* Earl of *Mortaigne* in *Perch*, *Enfance* Earl of *Bretuel*, *Ralph* Earl of *Conches*, *Robert Fitz-Haymon*, *Robert de Montefort*, *Ralph de Mortemer*, and many others which held of him great Estates in *England*, and now being in *Normandy*, did all adhere to him, with their great Men, and were ready to fight for him against the Natural *Normans*. Few days after he sent to his Brother for a Conference, in which he rebuked him for breaking the [1.] Accord made between them in *England*, for making Peace with *Robert de Belism*, a Traytor to them both, and restoring him to his Fathers Lands and Dominions, and for many other things; The Duke fearing his Brothers Power, desired his Friendship, and they being reconciled, the King before Winter returned into *England*.

No sooner was [2.] he gone, but *Robert de Belism*, with his Nephew *William* Earl of *Mortain* in *Normandy*, and as many Nobles as he could seduce, broke out into War again, and fell upon such as favoured the King, seized their Lands, killed their Men or Tenants, and burnt their Houses. The Plowmen and ordinary People fled into *France* with their Wives and Children, and suffered great Miseries during their abode there. In the midst of these Miseries they apply themselves again to the King of *England*, who in the last Week of *Lent* [3.] landed again at *Barbastro* in *Normandy*, and on *Easter-day* was at *Carenton*, seated on the River *Vire*, where *Serlo* the Bishop of *Seez* came to him, and offered his Service; who

[6.] *Ibidem*.
The Duke makes Peace with *Robert de Belism* without Advice of his Brother.

[7.] *Ibid.* fol. 812. A.
The Bishop and Abbat of *Seez* Curie *Robert de Belism* and flee into *England*.

[8.] *Ibidem*, 813. D.
The *Normans* Petition King *Henry* to take their Country into Protection.

He passeth into *Normandy*.
[9.] *Ibidem*, fol. 814. A.

The English *Normans* adhere to the King against the Natural *Normans*.
The King rebukes his Brother.

[1.] *Ibidem*, B. C.
The Duke desired his Friendship, which he obtained, and the King returned into *England*.

[2.] *Ibidem*, C. D.
In King *Henry*'s absence *Robert de Belism* seized the Lands, killed the Tenants, and burnt the Houses of such as favoured him.

The *Normans* apply themselves to the King of *England*.

[3.] *Ibidem*, fol. 815. A.

going

going with the King into the Church at *Carenton*, to Celebrate the Solemnity of *Easter*, they found it almost filled with Chefts, and Household-Stuff of the Country People, which was brought thither as to a place of safety. [4.] Upon which Spectacle the Bishop in an Harangue to the King laid open the Miseries of that Country, and shewed him what the People were forced to do to secure themselves from Robbers, Plunderers, and Spoilers; Telling him also it was for want of a good courageous Prince and Governor that these things happened; and then exhorted him by the Sword of Justice to Conquer and defend the Dukedom. [5.] The King encouraged by this Speech of the Bishop, and what he heard from the Noblemen which were with him, immediately resolved by their Assistance to procure the Peace and Quiet of the Church of God. The Earl of *Mellent* with the consent of the great Men present, advised, and urged him to put in execution what he had resolved.

But before they made any progress in this Affair, the Bishop had a small job of work to do; The *Normans* then wore very long Hair, and used much art in preserving and making it (as was then thought) Ornamental. [6.] The Eloquent Prelat (says the Historian) continues his Preachment, and inveighs mightily against that Vice, admonishing and exhorting the King to shew a good Example to others, and suffer his Hair to be cut off first; He submitted to have it done, and the Bishop presently drew a Pair of Scissors out of his Sleeve, and first Polled the King, and then the Earl; and many Noblemen with his own Hands; and the People fearing the Kings Edict, came from all parts, and strove who should be first Polled or Clipped.

After the Solemnity of *Easter*, King *Henry* [7.] sent Ambassadors to *Philip* King of *France*, and called to him *Geoffrey Marcell* Earl of *Anjou*; and Manfully chastised the Enemies of the Church.

In the year 1106, in the [8.] Spring King *Henry* went again into *Normandy* with design to take it from his Brother *Robert*, and having Hired *Elia* Earl of *Meth* and his Forces, besieged the City of *Bayeux*, of which *Gunter Dauncy* was Governor; he went out to the King, and delivered to him *Robert Fitz-Haymon* whom he had taken Prisoner some time before, but would not deliver the City; forth with the King attempts, fires and burns it to the ground, took the Governor and Garison Prisoners. The Governors of other places were much affrighted at the destruction of this City; and the People of *Caen*, the King marching to them, sent to him and yielded upon Summons, expelling *Engeram Fitz-Albert* their Governor. For this Service the King gave to four of the chief Citizens *Dalington* in *England*, worth fourscore Pounds per Annum. From hence he proceeds to *Falan*, but had not the same success, having been beaten off by the Garison.

In the mean time [9.] *William* Earl of *Mortaigne* Son of *Robert* the Kings Uncle, not content with two Barldoms, that is *Normandy*, and *Cornwall* in *England*, demanded of the King, the Barldom of *Ken*, which his Uncle *Odo* sometime held; who, not only refused what he asked, but by Judicial Proceeding took from him

[4.] *Ibidem*, B. C.

The Bishop of *Seez* exhorts King *Henry* to Conquer *Normandy*.

[5.] *Ibid.* D. He resolves to procure Quiet to the Church. Many Noble *Normans* encourage him to do.

[6.] *Ibid.* fol. 816. A. B. C.

Serlo Bishop of *Seez* cuts off the Kings Hair.

[7.] *Ibidem*.
King *Henry* chastises the Enemies of the Church.

[8.] *Ibid.* fol. 818. C. D. He attempts the Conquest of *Normandy*.

He burns the City of *Bayeux*.

Caen yields to him.

Falan beats off his Army.

[9.] *Ibid.* fol. 820. A. B. C. *William* Earl of *Mortaigne* demands the Barldom of *Ken*.

him

I i

The King takes from him the Barldom of Cornwall.

[1.] 16 f. 89. a. n. 10. He joynd himself to the Duke, and Robert de Be-
[2.] Ord. Vit. f. 89. D. 820. A. B. The King strenghtens *Tencherbray*.

The Duke, &c. endeavour to relieve it.

The Battle of *Tencherbray*. The Dukes Army routed.

The disagreement in Chronology between the English and Norman Monks.
[3.] f. 80. m. 1.

[4.] 114. fol. 83. n. 20. 30.

King Henry used strange ways for raising Money.

[5.] *Ibidem*, fol. 84. m. 3. a. n. 10.
[6.] Fol. 85. n. 10.

[7.] *Ibid.* fol. 89. n. 40. f. 90. n. 10. King Henry gives *Anselm* an Account of his Victory of *Tencherbray*.

him what he held, without right. For this, being in great fury with the King, he went into *Normandy*, [1.] and joynd himself to the Dukes Party, and with *Robert de Belism* and others, firmly adhered to him, and with Fire and Sword prosecuted King Henry's Friends; for which he took away from him all he had in *England*, and levell'd his Castles with the Ground.

[2.] And a while after gathered some Forces together in *Normandy*, built a Fort near his Town of *Tencherbray*, (now *Tincherbray*) and put a Garison into it, with intention so to streighten it as to make it yield. Notwithstanding *William* being a stout young Man, with some Companies of Soldiers relieved it; at which the King was much angry, and calling together his Army, laid Siege to the Town, whereupon Earl *William* solicited the Duke, *Robert de Belism*, and other his Friends for Assistance to raise it, and he obtained it. There were with the Duke besides these two great Earls, *Robert de Stotreville*, *William de Ferraris*; and many others with their Forces. The King had with him *Elias* Earl of *Main*, *William* Earl of *Eureux*, *Robert* Earl of *Mallent*, *William* Earl of *Warren*, and these great Barons, *Ranulph* of *Bayeux*, *Ralph* de *Conches*, *Robert* de *Montfort*, and *Robert* de *Grentmainsul*, and many others with their Clients. There were more Knights or Horsemen on the Kings Party, and most Foot on the Dukes. Before this place they came to a Battle, wherein the Dukes Army was routed; The particulars of which Victory will appear in King Henry's Letter to Arch-Bishop *Anselm*, which will be presently mentioned.

As to the certainty of the time of these Transactions, neither the English or Norman Monks do exactly agree one with another; but certain it is that King Henry plied between *England* and *Normandy* according to the exigency of Affairs. [3.] *Badmer* reports, that he was in *Normandy* in the year 1104. and almost subdued all of it, the People having a mean Esteem of his Brother, and that almost all the great *Normans* presently upon his coming, despising their Lord the Duke, quitting their Faith they ought him, ran after the Kings Gold and Silver; and delivered him Cities, Castles, and Towns. [4.] But not being at that time able to Conquer the whole Dukedom, he returned into *England* that he might furnish himself with Money sufficient to subdue what remained under the power of his Brother, and so totally dishonour him. In the Collection of this Money new ways, and strange Exactions were used, new and unheard of Forfeitures were invented, which reduced the People to great Misery, not daring to plead against the King, and such as would, or could not pay were imprisoned and tortured. [5.] These Exactions fell hard upon the Clergy, by which he lost their good opinion, and brought an odium upon [6.] himself.

He observing these things, hastned his Reconciliation with *Anselm*, who coming into [7.] *England*, the King wrote to him a Letter of his Victory at *Tencherbray*, in which he tells him, that *Robert* Earl of *Normandy* with all his Troops of Horse and Foot, that he could either by Intreaty or Money get together, at an appointed time fought sharply with him before *Tencherbray*. That he had beaten him with small loss on his side, and that Divine Mercy had

had given into his hands the Duke of *Normandy*, and Earl of *Mortain*, *William Crispin*, *William Ferrers*, *Robert Stotreville* the elder, and others to the number of 400 Knights or Horsemen, and Ten thousand Foot, together with *Normandy* itself. [8.] Many ascribed the obtaining of this Victory to the Peace he made with *Anselm*, after which having settled his Affairs there, sending before him the Duke and Earl of *Mortain* in safe Custody, he returned into *England* a while after.

[9.] This Battle was fought the day before *Michaelmas-day*. In the [1.] middle of *October* the King came to *Lisieux*. Convened all the *Optimates*, or Chief Men of *Normandy*, and held a most profitable Council for the Church of God, wherein he Decreed by Royal Sanction, That there should be firm Peace kept throughout all the parts of *Normandy*; That all Rapacities, Robberies, and forcible Entries, and Warlike Invasions upon Estates being suppressed, all Churches might enjoy their Possessions, as they did the day his Father died; and that other Lawful Heirs might possess theirs. He took into his own possession all his Fathers Lands, and Lordships which his Brother had squandered away, and by the Judgment of Wise Men he made those Gifts void, which by imprudence had been bestowed upon ungrateful Persons. He sent his Prisoners taken in the Battle into *England*, and kept *William* Earl of *Mortain*, and *Robert* de *Stotreville* in perpetual Prison, and some others, being inflexible, notwithstanding he was importuned by Petitions, Promises, and great Offers, yet could not be softened into a yielding temper.

Mat. Paris [2.] writes, That King Henry passed over into *Normandy* with design to fight against his Brother the Duke in the year 1105. and Conquered *Caen* and *Bayeux* by the Assistance of the Earl of *Anjou* (he should have said *Main*) and many other Castles; and that most of the *Principes* or chief Men of *Normandy* yielded themselves to him. But in the [3.] same year he returned into *England* to recruit his Army, that he might go back with a greater force. In the year 1106. [4.] *Robert* Duke of *Normandy* came to his Brother at *Northampton*, requesting he might be restored to his Grace and Favour; But God (says the Monk) consented not to an Accord between them, yet Henry was smitten with the sense of a Cauterized Conscience in obtaining the Kingdom, and began within himself to fear an Insurrection, as it had been privately told him, and the fulfilment of Gods Judgments against him, [5.] because he had usurped upon his elder Brother, who had manifest Right to the Kingdom, which he had too unjustly taken from him. But fearing Men more than God, he first bound the Noblemen to him by crafty Speeches, and subtil Promises, which in the end he * impudently violated. [6.] Thinking afterwards by the Foundation of an Abby to satisfy God for so great a Crime. And then follows a confused Story of the Preparation to, and Battle itself before mentioned.

From which *Robert de Belism* the Kings Mortal Enemy escaped by flight, [7.] and endeavoured to bring *Elias* Earl of *Main* off from the King, by whose help he designed to restore Duke *Robert* again; but finding him not to be drawn off, he then used him as a means to make

The Particulars of that Victory, *Vique* ad 400 *Minut* & 10 *Millia* pedum. [8.] *Ibid.* fol. 90. n. 20. 30. *Robert* Duke of *Normandy* sent Prisoner into *England*.

[9.] *Malm.* f. 89. a. n. 30. [1.] Ord. Vit. f. 82. A. A great Council called in *Normandy*.

King Henry re-assumes all his Fathers Lands in *Normandy*.

[2.] Fol. 61. n. 40.

[3.] *Ibidem*, n. 50.

[4.] *Ibidem*.

[5.] *Ibid.* fol. 62. m. 4.

* *Ibid.* n. 20.

[6.] *Ibidem*, m. 6.

Robert de *Belism* escaped from the Battle.

[7.] Ord. fol. 82. B.

And would have brought the Earl of *Main* from the King.

[8.] *Ibidem*, fol. 82. A.

Robert de Bellism is restored to his Paternal Inheritance. [9.] Ibid. C. An. Do. 1107.

[1.] Ibidem, fol. 831. D. An. Do. 1107.

A great Council in Normandy. [2.] Ibidem, fol. 831. A. Another in which many necessary Laws were made.

[3.] Ibidem, fol. 833. B. King Henry returns to England.

[4.] Eadm. f. 49. n. 10, 20. He redresseth many evil Practices there. And punisheth them, by pulling out of Eyes, cutting off Hands and Feet, &c.

[5.] Ibidem, n. 30, 40. Coyers of false Money to have their Eyes pulled out, &c.

[6.] Ord. Vit. fol. 837. D. An. Do. 1108. Henry endeavours to get William the Son of Duke Robert into his Custody.

[7.] Ibidem, fol. 838. A.

[8.] Ibidem.

make his Peace with the King, which was granted, and he was restored to *Argenton* Castle in the Bishoprick of *Sees*, and all that was his Paternal Inheritance. It fared not so well with *Robert de Monteforti*, [9.] for King *Henry* called together his *Proceres* or great Men, and impleaded him for breach of Faith, having favoured the Dukes Title; whereupon knowing himself guilty, he got leave to go to *Jerusalem*, and left all his Lands to the King.

And having thus subdued *Normandy* [1.] by War, he often called the Magistrates or Governors of the People to Court, and both with fair words and threats moved them to behave themselves as they ought to do. In the Month of *January* there was a Convention of the *Proceres* or Noblemen before the King, and in [2.] *March* he held a Council at *Lisieux*, and made necessary Laws to govern the People under him, by the Consultation of the *Magnates* or great Men. And by his Royal Power having allayed the Tempests, he easily kept *Normandy* in subjection. [3.] And thus prudently disposing the Affairs of that Country, he went into *England*.

Where by the [4.] Advice of Arch-Bishop *Anselm* and the *Proceres* or Noblemen of the Kingdom, he redressed several evil Practices, and began with his Court first. It was usual in the time of his Brother, that the Multitude which followed the Court, committed wast and spoil wherever they came without controul; and behaved themselves rudely towards the Wives and Daughters of the Country Men and others, so as they fled from their Habitations upon the approach of the Court; For Remedy whereof, he Ordained by publick Edict, That whoever was proved guilty of any of these Practices, should have his Eyes pulled out, or his Hands, Feet, or other Members cut off. Which piece of Justice being executed in some, deterred others from the like Offences.

He [5.] also took notice what a great Grievance false and corrupt Money was to the Nation, and Decreed, That every one (without Redemption) that Coynded false Money, should have his Eyes pulled out, or be Emasculated.

Henry [6.] thus Established in the Dukedom of *Normandy*, and having his Brother *Robert* Prisoner in *England*, by Advice of his Privado's, Commanded his Son *William* (whom he had for his Education committed to the Care of *Elias de Sancto Sidouo*) should be taken into Custody, and appointed *Robert Beauchamp* Viscount of *Arches* to do it; when he came to the Castle of *Elias*, the young Prince had made his escape, whereupon he seized the Castle to the Kings use, who gave it to *William de Warrenna*.

[7.] His Tutor *Elias* carried him through many Countries, and shew to many Persons the Elegancy of his Person, and Excellency of his Parts, moving the Affections and Compassion of all toward him. Many of the *Normans* favoured him, and wished he were in possession of the Dukedom, by which they offended the King, and rendered themselves suspected to him. Especially [8.] *Robert de Bellism*, who thinking upon the Affection and Kindness he had for the Duke, and what Power he enjoyed under him above the greatest

of the *Normans*, endeavoured what he could to set up his Banished Son. [9.] *Robert* and *Elias* consulted about this Affair, and solicited *Lewis* King of *France*, *William* Duke of *Poitou*, *Henry* Duke of *Burgundy*, and *Alan* Prince of *Britain*, and other powerful Governors of Countries to afford him Assistance.

At length [1.] *Fulke* Duke of *Anjou* * who had Married the Daughter and Heir of *Elias* Earl of *Main*, promised him his Daughter *Sibyl*, and with her the Earldom of *Main*, and for a while gave him great encouragement. But King *Henry* by Craft and Industry, by fair words, Threats, and Bribery, broke off the Match. He also sent subtil Disputants, that moved Controversies about their Consanguinity, for which it was determined, That by the Christian Law they ought not be joynd together, [2.] for *Richard* Duke of *Normandy* begot *Robert*, and *Robert* *William* the Bastard, who begot *Robert* the Father of Prince *William*: and *Robert* Arch-Bishop of *Rouen*, and Earl of *Eu*, and Brother of Duke *Richard* begot *Richard* Earl of *Eu*, and *Richard* Agnes the Wife of *Simon*, which was Mother to *Bertrade*, the Mother of *Fulke*, the Father of *Sibyl*: Thus by the discovery of the Parentage of *William* and *Sibyl* the long desired Marriage was frustrated.

Almeric de Monteforti, or Earl of *Monifort*, Son of *Simon* who Married *Agnes*, [3.] Sister and Heir to *William* Earl of *Eu*, was Heir to that Earldom; but having displeased the King, he took it from him into his own possession, for which reason, so soon as he had opportunity, he thought to revenge himself upon him; and [5.] instigated *Fulke* Earl of *Anjou*, his Nephew [6.] by his Sister *Bertrade*, who was then grown considerable by the accession of the Earldom of *Main*, by the [7.] Daughter and Heir of *Elias*, to make War upon *Normandy*, and implored the help of the King of *France*. By the good Management, Wealth, and Force of *Henry*, his Enterprises were soon broken, and their designs frustrated, together with the Concurrence of his Nephew *Teobald* Earl of *Blou*, who at that time made War upon the King of *France*, and gave him a Diversion.

Robert de Bellism King *Henry's* constant Enemy [8.] was in this Design with the Earl of *Anjou*, and fell into the Kings hands, and on the Fourth of *November* was impeached of breach of Faith, for not appearing in Court, being thrice called, for not yielding an account of the Kings Rents in the Viscounty of *Argenton* and *Fleismes*, and what belonged to *Palais* as the Kings Viscount, or Sheriff, and Officer, and for other Crimes which he could not deny; for which he was by the just Judgment of the Kings Court committed close Prisoner. [9.] Presently after the King besieged, and took in *Alencon*.

This War [1.] continued not long, for in the first week of *Lent*, *Fulke* Earl of *Anjou* came into the Territory of *Alencon*, and Swore Fealty to King *Henry*, did him Homage, and received from him the Earldom of *Main*, and gave his Daughter to Prince *William* the Kings Son, and the King gave him the Earldom of *Eu*, yet received into favour *Almeric de Monteforti*, whose by right it was, and *William Cripin*, who had done much against him.

This

Endeavours to set up William the Son of Duke Robert. [9.] Ibid. B.

[1.] Ibidem. Genes. lib. 8. C. 34. B.

[2.] Ibidem.

[3.] Genes. l. 8. c. 17. Script. Norm. f. 109. Ord. Vit. 831. B. [4.] Ibidem, f. 831. [5.] Ibidem, 840. D. [6.] Genes. lib. 8. C. 38. [7.] Ord. Vit. ut supra. War against Normandy. And Dimittit 1113. of 1113.

[8.] Ibidem, fol. 844. A. Robert de Bellism impeached.

And Imprisoned by Judgment of the Kings Court. [9.] Ibid. B.

[1.] Ibidem. The Earl of Anjou submits to the King, does him Homage, and receives from him the Earldom of Main.

[1.] *Ibid.* C. Peace between the Kings of England and France.

* Fol. 90. b. n. 10. Prince William does Homage to the King of France for Normandy. [3.] *Ibid.* D.

This being done, [2.] the two Kings of England and France came together at *Gisors*, and struck up a Peace; Then *Lewis* gave to King *Henry* *Belism*, the Earldom of *Main*, and all *Britany*, for which *Fergan* Duke of the *Britans* did him Homage; and the King promised his Daughter to *Conan* his Son; and now it was (according to * *Malsbury*) that Prince *William* did Homage to the King of France for *Normandy*, acknowledging he was to hold that Province of him by Lawful Right.

Notwithstanding [3.] these Renditions and great Submissions made to King *Henry*, yet *Hameric de Villery* and other *Proceres*, or great Tenents of the Honour, or Earldom of *Belism*, to whom *William Talvane* the Son of *Robert de Belism* had committed the guard of that place while he went to secure his Earldom of * *Ponthew*, trusting to the Strength of it, and multitude of Dependents, prepared to resist him. *Henry* drew together the Army of all *Normandy*, and besieged the Town on the First of May, and beyond expectation *Talbald* Earl of *Blou*, *Fulke* of *Anjou*, * *Rotro* Earl of *Mortain* in *Perche*, and other famous *Optimates* or Worthies came with Aid to the *Normans*, invested the Town, and within three days took it by Assault. [4.] Thus King *Henry* Conquered *Normandy*, and having made firm Peace with all his Neighbours, came back into *England*, and governed both Kingdom and Dukedom in great Tranquility for five years. [5.] He landed in *England* in the Month of July, and brought with him *Robert de Belism* who was kept Prisoner at *Warham*.

King *Henry* had many Expeditions against the *Welsh*, always prone to Rebellion, (or rather to assert their own Liberties) and with the following Contrivance much diverted their Incurions into *England*. [6.] There were many *Flemmings* come over into *England*, besides what came over with the Conqueror, in the time, and by the favour of this Kings Mother, *Queen Maude*, Daughter to the Earl of *Flanders*; and so many as they became burthenfom to the Nation; These he transported into *Wales* with their Goods and Families, and gave them the Country of *Ros* (where to this day they speak a different Language from the *Welsh*) which is the best part of *Pembrokeshire* for their Habitation, that he might both clear his Kingdom of them, and that they might check the fury and Insurrections of the *Welsh*. Yet this contrivance he thought not a sufficient security against them, but demanded and received as Hostages the Sons of their Nobility, and besides they were forced to purchase his favour with a Tribute of some Money, and much Cattle.

After these Successes he [7.] caused the *Optimates* or Earls, and Barons of all *England* to meet at *Salisbury* on the Nineteenth day of *March*, and in his presence to do Homage and Swear Fealty to his Son *William*.

(e) His Father [9.] *Robert* Married *Agnes* Daughter and Heir to *Wido* Earl of *Flemish*.

(f) He was also Earl of [1.] *Perche*, and Married *Maude* a Natural Daughter of King *Henry*, to whom, after he took it, he gave the Town of *Belism* and the Territory belonging to it.

Eadmer

Eadmer [1.] says, That the King by Edict commanded a meeting of the Bishops, Abbats, and *Principes*, or chief Men of the Kingdom at *Salisbury*, on the Twentieth of *March*, that he might make his Son *William* Heir of the Kingdom, and secure the Title to him. The *Princes* or Chief Laymen knowing the Kings mind, readily did Homage, and Swear Fealty to him. The Arch-Bishop of *Canterbury* and other Bishops and Abbats Swore, That if he should out-live his Father, they would (laying aside all claims whatsoever) put him in possession of the Crown and Kingdom, and that when he should be King they would faithfully do him Homage.

Malsbury [2.] declareth this Transaction more fully, affirming, That all the Freeman of *England* and *Normandy*, of whatsoever Order or Dignity, or to what Lord soever they were Vassals or Tenents, were compelled to do Homage, and Swear Fealty to *William* the Son of King *Henry*, and *Queen Maude*.

He died the [3.] First of May and was buried at *Westminster*, and on the Ninth of June following died [4.] *Robert* Earl of *Mel-* *ling* King *Henry's* great Counsellor.

It is said before, that *Almeric de Monteforti* was *Sisters* Son and Heir to *William* Earl of *Entenay*; who now again demands [5.] of the King that Earldom, which he utterly denied to grant him, by the Advice of *Andin* Bishop of that City; He therefore took Arms against the King, and excited almost all France to do the like. The Governor of *Euwick*, *William Pointel*, delivered the City to him, and the Bishop with his Clerks and Vassals were forced to flee from thence. There joyned with him *Robert de Courmay*, *Stephen* Earl of *Albanmarle*, *Enschachius* of *Breteil*, *Richard* of *Aquila*, *Robert* de *Newburgh*, and many others who rose up against *Henry*, and endeavoured to establish *William* the Son of *Duke Robert* in his Fathers Estate. [6.] With these also joyned *Baldwin* Earl of *Flanders*, who entered that part of *Normandy* called *Tellan*, and burnt many Towns, of whose Flames the King and his *Normans* were Spectators; he fortified *Bures*, and because he suspected most of the *Normans*, he put a great Garrison of *Scipendiary Britans* and *English* into it. *Baldwin* comes before it, provokes the Garrison to fight, where he was wounded, and some time after died of his Wounds and without Issue. They [7.] received likewise Assistance from the King of *France*, and Duke of *Anjou*; on both sides they plundered the Country, took and burnt Castles and Towns.

On the Nones [8.] or Fifth of *October* there was a Council summoned at *Rouen*; there King *Henry* Treated of the Peace of the Kingdom, with *Ralph* Arch-Bishop of *Canterbury*, and the other Barons he had called together. There *Geoffry* Arch-Bishop of *Rouen* spoke about the State of the Church, with his four Suffragan Bishops, *Richard* of *Baieux*, *John* of *Exeter*, *Turgot* of *Auranches*, and *Roger* of *Constance*, and with many Abbats. *Seyto* Bishop of *Sex* was not at this Council, being excused by reason of his Age and Infirmary; and *Andin* Bishop of *Euwick* excused himself, as being employed against the Common Enemies of the Country.

The

[1.] Fol. 117. n. 10. 40. A great meeting at *Salisbury*. The Laymen readily Swear Fealty, and do Homage to Prince *William*. The Bishops make fair Promises.

[2.] F. 93. d. n. 30. 40. All the Military Tenents in *England* compelled to do Homage to Prince *William*. [3.] Ord. fol. 843. B. Anno Domini 1118. [4.] *Ibidem*.

[5.] *Ibid.* C. A new War in *Normandy*, many Noblemen Conspire to set up *William* Son to Duke *Robert*.

[6.] *Ibid.* D.

[7.] *Ibid.* 844. D. 841. C.

[8.] *Ibid.* fol. 846. B. C. A great Council at *Rouen*.

[4.] *Ibidem*, fol. 842. A. King *Henry* made a complete Conquest of *Normandy*. [5.] *Flor. Wig.* fol. 556. Anno Domini 1113.

[6.] *Malm.* fol. 89. n. 20, 30, 40. *Flor. Wig.* fol. 546. An. Do. 1114. He removed the *Flemmings* into *Wales*.

To check the Insurrections of the *Welsh*.

[7.] *Ibidem*, fol. 557. An. Do. 1116.

[9.] *Script.* Nor. f. 1093. *Gemet.* lib. 8. c. 35. [1.] *Gemet.* lib. 8. c. 29. & c. 35.

[2.] Ibid. fol. 848. B. C.
The War continues in Normandy.

[1.] Ibid. fol. 850. A. Anno Domini 1119.

[2.] Ibid. fol. 841. A.
The Adherents to King Henry were English Barons of Norman Extra-
ction.

[3.] Ibid. B.
Peace concluded, Prince William Marries the Earl of Anjou's Daughter.
[4.] Ibid. C.

[5.] Ibid. D.
King Henry burns the Towns and Castles of his Enemies.

[6.] Ibid. fol. 852. B. C.

[7.] Ibid. fol. 853. C.

The King of France invades Normandy.

[8.] Ibid. fol. 854. A.
The Battle of Breteuil.

[9.] Ibidem, B. C. D.

The French are beaten.
[1.] Ibid. fol. 855. A.

The War still continued in [9.] Normandy, and every day almost brought the King news of some considerable Norman or Castellan revolting from him, amongst whom *Eustachius de Breteuil*, an Illegitimate Son of *William Earl* of that place, was one, who had Married *Julian* one of King *Henry's* Natural Daughters: he demanded great things of his Father in Law, and because he would not grant them, he fortified four Castles against him. [1.] Yet some repenting of what they had done, came and submitted to the King, and made their Peace with him. The first was *Robert* Son of *Ascelin Goell*, whose example many followed. The King sent to *Almaric*, offered him his Earldom of *Eureux*, and invited him to accept of his favour, but he refused it. [2.] The Optimates or great Men which faithfully adhered to the King were *Richard Earl of Chester*, *Ralph de Conches*, *William de Warrenna*, *William de Rotmare*, *William de Tancarville*, *Ralph de Sancto Vithore*, *Walter Giffart*, *Nigell de Albiney*, and his Brother *William*, and the Sons of *Robert Earl of Mellent*, *Waleran*, and *Robert*.

In the Month of [3.] May this year Prince *William* came from England into Normandy, much to the joy of his Father, who sent Mediators for Peace to *Fulke Earl of Anjou*, and invited him kindly to his Court after the Peace was concluded between them; And in the Month of June [4.] the Prince was Married at *Lisieux* to the Earls Daughter, and then the King by the Mediation of the Earl, received into favour *William Talvace*, the Son of *Robert de Belisim*, and restored to him all his Fathers Estate in Normandy.

After this [5.] Henry marched up and down Normandy to revenge himself upon his Enemies, and burnt their Castles and Towns; He besieged *Eureux*, and after he had [6.] burnt that Town and the Cathedral, took it.

While both Fire and Sword raged in the bowels of Normandy, the King of France invaded it [7.] on that side toward France, and came as far as *Andely* upon the River *Seyn*, and wished he could meet the King of England in the open Field, who hearing of it, gave him his desire, and marching towards him, came into the Plain of [8.] *Brenivill* near the Mountain *Guarelive* with 2000 Horse, amongst whom were the Kings two Natural Sons, *Robert* and *Richard*, excellent Soldiers, and three Earls, *Henry of On*, *William de Warrenna*, and *Walter Giffart*, and many others of great Note; *Edward of Salisbury* carried the Banner. [9.] *Lewis* of France seeing what he had long wished for, drew out 4000 Horse, and amongst them was *William Duke Roberts* Son engaged, that he might deliver his Father from Prison, and recover his ancient Inheritance. There were also *Matthew Earl of Beaumont*, *Guido Earl of Claxmont*, *Ormond de Chaumont*, *William de Guarlanta* General of France, *Peter de Manley*, *Philip de Mont-Bray*, *Burchard de Montmorency*, *Baldric de Bray*, *William Crispin*, and many other Normans. They joyn Battle, the French are beaten, and lose 1400 Horse, *Guido Ormond*, *Burchard* and *William Crispin* were taken; [1.] The King of France was alone, and lost in a Wood, from whence a Country Man conveyed him to *Andely*, whether the remains of his routed Army was retired.

In

In this Battle were [2.] but 900 Milites or Horsemen on both sides, (unless perhaps there might be so many Milites besides their Retinue) and they accounted a great number, whereof only three were killed, for they were so Cloathed with Iron, as they could scarce be in danger. [3.] King *Lewis* his Standard was here taken, and King *Henry* bought it of him that took it for 20 Marks, which he kept as a token of the Victory; His Horse also was taken, which was sent back next day, with his Saddle, Bridle, and whole Furniture; And Prince *William* sent likewise his Cousen *William* the Son of Duke *Robert*, his Horse which he had lost, with many other Gifts.

When King *Lewis* [4.] returned to Paris, *Almeric de Monteforti*, who was not in this Fight, came to Visit and Comfort him, being much dejected at his ill fortune; in their Discourse he encouraged him to attack his Enemies again, and advised him to send to the Bishops, Earls, and other great Persons of the Kingdom; and then the Priests with their Parochians, by the Bishops Directions, would go with him whether he should Command them; that so by a common Army he might take revenge upon his publick Enemies; and promised the utmost of his own and his Friends Assistance. [5.] The King being well pleased followed his Advice, and forthwith sent his Edict to the Bishops, who readily obeyed it, and Anathematized the Priests and Parishioners of their several Diocesses, if they went not with the King, at the time he should appoint, with their whole Strength against the Rebellious Normans. They came from *Burgundy*, [6.] *Berry*, *Paris*, the Countries of *Orleanse*, *Vermandois*, *Beauvais*, *Landun*, and *le Esclamps*, and other places, as Wolves to their Prey, and committed strange Outrages in their March, which the Bishops permitted out of hatred to the Normans. To these the King joyned an Army which he gathered from *Noyon*, and the *Ile*, from *Tournay*, and *Arras*, from *Gournay*, and *Clermont*, and from all the Provinces of France, and Flanders, that he might restore to their ancient Honours all such as were in exile for the sake of *William* the Son of Duke *Robert*. With this Army he laid Siege to *Bretteuill* or *Breteuil*, which is in the heart of Normandy; The Governor of this place was *Ralph de Guader a Brittain*, who valiantly sallied out upon, and fought with them, and commanded all the Gates of the Castle to be opened, but none could enter; such was the courage of the Defendants: At three of the Gates there was a sharp and obstinate Conflict, and many fell on both sides.

King *Henry* so soon as he heard [7.] the French were returned into Normandy, sent his Son *Richard* with a Supply of 200 Milites or Horse, to *Ralph de Guader*, which being discovered, the courage of the Assailants began to fail them; The brave Governot went from Gate to Gate to encourage and aid his Soldiers, and often changed his Armour, that he might not be known. The King followed his Son, and those he had sent before with a great Army, and resolved to fight the great Body of the French. But they despairing of taking the Town, were forced to return into France, carrying back nothing besides plundered Goods, but Ignominy and Blows. [8.] *William de Chaumont* the King of France his Son in Law, and other haughty Soldiers, much moved at their ill success before *Breteuil*,

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[2.] Ibidem. fol. 884. D.
But 900 Horsemen on both sides.

[3.] Ibidem. fol. 885. B.

[4.] Ibid. D.
Almeric de Monteforti persuades King *Lewis* to raise a new Army.

[5.] Ibidem. fol. 886. A.

[6.] Ibidem, B. C.

The French besiege Breteuil.

The Valour of *Ralph de Guader* Governor of Breteuil.

[7.] Ibidem, C. D.

The French march home. [8.] Ibidem, fol. 857. A.

in

in their march home set upon the Cattle of *Tiliers*, where *Gilbert* the *Cassellan* suddenly fell out upon them, and took *William* Prisoner, for whose Redemption he had 200 Marks of Silver. Others also of his Company he surpris'd, and the rest fled with disgrace. Upon this success [9.] *Richer de Aquila* a great Baron submitted to the King, and by the Mediation of his Uncle *Rotro* Earl of *Pereb*, obtained his Fathers Estate both in *England* and *Normandy*. The *Cassellans* of *Gloze* and *Lire* followed his Example, made their Peace, and delivered them up to King *Henry*.

[1.] *Ibid.* D.
An. Do. 1119.

E.
An Ecclesiastical Council at *Rhemes*.

[3.] *Ibidem.*
King *Henry's* Prohibition and Directions to his Bishops in this Council.

[4.] *Ibid.* fol. 858. A.

In the midst of [1.] *October* 8 *Calixtus* the Pope, with the *Roman* Senate came to *Rhemes*, stayed there fifteen days, and held a Council. There were fifteen Arch-Bishops, and more than two hundred Bishops, with many Abbats and Dignified Men of the Church, for by the Popes Command they were called out of *Italy*, *Germany*, *France*, *Spain*, *Britany*, and *England*, the Isles of the Ocean, and all the Western Provinces. [3.] The King of *England* indeed permitted the Bishops of his Kingdom to go to the Synod, but did altogether prohibit them to make any Complaints of any sort whatever, telling them he would do every one that complained, Right in his own Land. [4.] That he paid yearly the Revenue of those that had gone before him, had granted to the *Roman* Church; And yet, says he, I hold the Privileges, in like manner acknowledged due to me in ancient times, declaring the further Liberty he gave them, in these words, *Go ye, salute the Pope in my name, and only hear his Apostolical Precepts, but bring none of his new Inventions into my Kingdom.*

[5.] *Ibidem.*
C. D.
The King of *France* in this Council complains of the King of *England*.

In this Council the King of *France* accompanied with his [5.] Barons came, and made his Complaint against King *Henry*, That he was his Confederate, and yet committed many Spoils and Rapines upon his Subjects; That he violently invaded *Normandy* that was a Fee of his Kingdom; That against all Law and Right he detestably Treated *Robert* Duke of *Normandy*, that was his Vassal, and *Henry's* Lord and Brother; That he had taken, and a long time detained him in Prison; And beheld (says he) *William* the Son of the Duke, who I present here before you, he hath utterly disinherited, and banished. By Bishops and Earls I have required him to deliver me the Captive Duke, but could not obtain my desire. I sent *Robert de Belism* to him on several Messages, he secured him in his Court, cast him into Bonds, and yet keeps him Prisoner. Earl *Tedbald* is my Vassal, and yet by the instigation of his Uncle he riseth up against me, and being inflated by his Power and Riches; Rebelled, and made grievous War against me and my Kingdom; and much more to this purpose. [6.] All the *French* Clergy in this Council justified what he said, yet *Geoffrey* Arch-Bishop of *Rouen*, and all the *Norman* Bishops

[6.] *Ibidem.*
fol. 859. B.

[2.] *Orderic.*
f. 848. A.

(8) This Pope was [2.] *Guido* Arch-Bishop of *Vienne* in *Dauphin*, seated upon the River *Rhone*, a *Frenchman*, and chosen the Second of *February* then last past: he was Son to *William* Duke of *Burgundy*, whose Mother was *Alice* Daughter of *Richard* the Second Duke of *Normandy*.

* *Ibidem.*

(8) By the *Roman* Senate *Orderic* means * the College of Cardinals, many of whom he names, and says it was their special Prerogative to chioic and Consecrate the Pope.

and

and Abbats rose up to make his defence and excuse him, but could not be heard.

In this juncture [7.] *Tedbald* Earl of *Blou* the Kings Nephew, made it his business, to reconcile all dissenting Persons to the King, and brought to him *Almaric de Montfort*, who was received into his favour, and restored to the whole Earldom of his Uncle. *William* Earl of *Salisbury* also, and *Julian* his Wife, the Kings Natural Daughter, were at that time restored to his Grace, and their Lands, except *Breteil*, which for his faithful Service the King had given to his Kinsman *Ralph de Guader*, in recompence whereof he gave him yearly 200 Marks of Silver in *England*. *Hugh de Gournay*, and *Robert de Nemburgh*, with the rest of King *Henry's* Enemies came in, and were graciously received. Only *Stephen* Earl of *Albanic* stood out, who seeing the King coming against him with an Army, by Advice of his Friends, humbly satisfied him, and thereupon to his own satisfaction was pardoned.

[7.] *Ibid.* fol. 861. C. D.
Tedbald Earl of *Blou* reconciles the Noble *Normans* to King *Henry*.

When this Council was ended, in [8.] *November* following the Pope came into *Normandy*, and met King *Henry* at *Gisors* to Treat of Peace: He told him by the Law of God every Man ought to enjoy his Right; and that it was his Desire and the Request of the Council, that he should free *Robert* his Brother from his Bonds, and restore him and his Son *William* to the Dukedom. He [9.] Answers the Pope, that he did not take the Dukedom from his Brother, but only secured his Fathers Inheritance, which was given away to Dissolute Men, Thieves, and Robbers; That he was called into *Normandy* by the Bishops, Clergy, and Religious, to prevent the desolation of the Church, and that what he did, was not out of choice, but by compulsion, and invitation, to preserve the Country from desolation and ruine; With this Answer (which was the same the *Norman* Bishops would have given in the Council to the King of *France*), the [1.] Pope was satisfied; and approved what he had done, and said he had heard enough of the Duke and his Son.

[8.] *Ibid.* fol. 864. D. 865. A. B.
The Pope moves King *Henry* to restore his Brother *Robert* and his Son. [9.] *Ibidem.* C. D.
His Answer to the Pope.

The Pope satisfied with his Answer. [1.] *Ibidem.* fol. 866. B.

And so leaving them to shift for themselves, his next [2.] work was to strike up a Peace between the two Kings, which was suddenly accomplished, without the least cavil, exception, or difficulty, all Castles and Strong Holds taken in the time of War being mutually delivered, and Prisoners on both sides set at liberty.

[2.] *Ibid.* fol. 866. B. C. D.
The Pope makes Peace between the Kings of *France* and *England*.

The War being [3.] ended, and things well settled in *Normandy*, King *Henry* commanded a Fleet to be prepared, and many Military Men of all sorts that had served him well and faithfully, to accompany him into *England*; where he intended to bestow on some large Rewards, and to raise others to great Honours. At this time *Ralph de Guader*, who had the Town of *Montfort*, and other Towns and great Possessions in *Britany*, upon the Kings consent and good will, offered his Daughter in Marriage to his Natural Son *Richard*, and with her the Towns and Castles of *Breteil*, *Gloze*, and *Lire*, and his whole Honour in *Normandy*. Which intended Marriage was never completed.

[3.] *Ibidem.* fol. 867. C.
King *Henry* comes for *England*.

When

[4.] Ibid. D.

When the Fleet [4.] was ready in the Port of Barstow, now Barstow, the King with a noble splendid Train, the Wind at South; set Sail on the Twenty fifth of November in the Evening, and landed in England next Morning. His Sons William and Richard had not the same good fortune, for being in another Vessel, called the White Ship, whereof one Thomas Fitz-Stephen was Captain or Master, [5.] who pretended to hold his Place or Office in Fee both Master and Marliers had got too much Wine in their Heads, and striving to be the foremost Ship in the Fleet, run upon a Rock and split the Ship, so as she presently sunk with near 300 Persons in her. [6.] Amongst whom were, as before noted, Prince William, his half Brother Richard, and his half Sister Maude, the Wife of Rollo Earl of Mortain in Perch, Richard Earl of Chester, and many of the young Nobility, who chose that Ship for the Company sake. The King [7.] distributed the Honours and Estates of such as perished in this Shipwreck very providently for he Married their Widows, Daughters, and Nieces to his Courtiers and Soldiers, and gave with them their Patrimonies.

[7.] Ibidem, fol. 87. A.

[8.] Ibidem, A. D. 1130.

King Henry [8.] having lost his Wife and Son, by the Council of his Wife Men, resolved to Marry, and chose for his Wife Alice the fair Daughter of Godfrey Duke of Lowain: She continued his Queen fifteen years, but never bare him any Children.

[9.] Ibidem, fol. 87. C. D. A. D. 1131. A new Con- trivance against King Henry.

Many [9.] observing that King Henry had no Issue Male, looked towards William, Duke Roberts Son, and endeavoured to set him up; Amongst whom was Gualeran and Robert the Sons of Robert Earl of Mellent, who had been Educated in the Kings Court, and lived as tenderly as his own Children, and were both knighted by him. Gualeran besides his Fathers Estate, the Earldom of Mellent in France, had Beaumont and the Patrimony belonging to it in Normandy. His Brother Robert had the Earldom of Leicester in England, to whom the King gave Matilda the Daughter of Ralph de Guader, which had been Contracted to his Son Richard, and Breteuil in Normandy, with all the Estate appertaining to that.

[1.] Ibid. fol. 87. A. B. C. The Confederates.

Others of the [1.] Confederacy were Almaric de Montfort Earl of Bureux, the Kings perpetual Foe, Hugo de Montfort, Hugo de Novbo-Castello, or New-Castle, William Lupell, Baldric de Blais, and Pagan de Gisors, &c. who met in September, and entered into a general Conspiracy.

[2.] Ibid. D. A. D. 1131. Civil War in Normandy.

The King [2.] understood their Designs, and in October summoned together a great Force at Rouen, and on Sunday after Dinner marched from thence; no Man knowing his Resolution, or whether he intended to go; for about two years [3.] both Parties burnt and harassed the Country, took one anothers Towns and Castles. At length [4.] on the Twenty sixth of March they came to a Battle, where Earl Walcher, Hugh de Montfort, and Hugh of Newcastle, his two Brothers in Law, and Eighty other Knights or Tentens in Military Service were taken. William de Grandcourt, Son of William Earl of Ou, took Almaric flying from the Fight, but fearing the Kings severity towards him, left the King with whom he was engaged, and his Estate, and conveyed him to Beaumont, and went and lived

[5.] Ibid. fol. 87. A. B. C. A Battle between King Henry and the Normans. The Normans beaten that appeared for Prince William.

lived with him an Exile in France. After Easter the [5.] King brought to Judgment at Rouen some of the guilty Persons; Geoffrey de Torville, and Othard de Pine, had their Eyes pulled out for Perjury, and Luke de Barre had the same punishment for making scurrilous Songs of the King, and Singing them.

The Earl of Mellent, and his two Brothers in Law were sent Prisoners into England; [6.] Most of the Confederates not long after submitted, Almaric, Lupell, and others the Kings Enemies procured his Peace, and when they could not help Exiled William, they unwillingly deserted him, yet obtained their Pardons and Estates again, having first given due satisfaction.

In the [7.] year 1129, the Emperor Henry the Fourth died, of which so soon as the King heard, he sent into Germany for his Daughter, whom the Germans would have had Reign over them, but the King having an intention to Marry her to the Duke of Anjou, Tou- rain, and Maine, they lying convenient for a conjunction to Normandy, would not permit her to stay.

When [8.] all these Designs failed in restoring Robert the Father, and advancing William the Son, Lewis King of France still protected the young Man, and by the procurement of Alice his Queen, he was Married to her Sister, and the King gave him Poitiers, Champaign, and Maine, and all that Country now called French France. This was done in January, and before Lewis he came with some force to Gisors, and claimed Normandy, but the Normans were afraid to receive him as their Natural Lord.

It happened that on the First of [9.] March following, Charles of Denmark Earl of Flanders was Murdered, and Lewis King of France gave unto this William that Earldom, in right of his Grand-mother Maude Queen of England, and he restored to the King all the Towns and the Country of Flanders, which he had given him in France. There were many Pretenders to the Right of this Earldom, as William Earl of Ippe, Theobald Earl of Ork, and Baldwin of Flandria. Williams carriage and behaviour towards the Flemings was more cruel and harsh than they expected, and therefore they set up Theobald against him, to whom many Towns revolted, and amongst them Alost, which William beleaged, and beat the Forces of Theobald that came to relieve it; but that very day before the Castle he was with a Lance thrust under the Ball of the Thumb into the Wrist, of which Wound he died within five days, and according to [1.] Genevieve, his death happened on the Twenty seventh of July 1128. he died without Issue, as also did [2.] Richard and William, two Natural Sons of Duke Robert, by a beautiful young Harlot of an old Priest; Richard was Shot with an Arrow in the Forehead, and died of his Wounds, and William after his Father was taken at Teverchebray went into the Holy Land, and there was slain, both dying unmarried, and in them the Issue of Robert was extinct.

This year the King brought his Daughter into England, in the Month of September; At Christmas he called together at London a great number of the Clergy and Opemasters, &c. who Men of the Nation,

[1.] Ibid. D. fol. 88. D.

[6.] Ibidem, fol. 88. A. B. They submit and make their Peace with King Henry.

[7.] Ibidem, fol. 89. A. B. King Henry sends into Germany for his Daughter.

[8.] Ibidem, fol. 89. A. B. Prince William Married to the Queen of France her Sister.

[9.] Ibid. D. fol. 89. A. B. He is made Earl of Flanders.

[1.] Ibid. fol. 89. A. B. The Issue of Duke Robert extinct.

Maude the Empress arrives in England.

The great Men of England Swore to make her Queen after her Fathers death.

[3.] *Malm. Hist. Nov. f. 99. b. n. 10.*

An. Do. 1128. She is Married to the Earl of Anjou's Son.

[4.] *Ibidem. n. 20.*
[5.] *Orderic. fol. 889. A.*

[6.] *Malm. f. 99. b. n. 30. f. 100. a. n. 30.*

[7.] *Ib. n. 40. An. Do. 1131.*

[8.] *Ibidem; b. n. 10.*
Duke Robert dies.

[9.] *Orderic. f. 891. D. Contin. ad Florim. f. 665. An. Do. 1134.*

[10.] *Ord. fol. 900. B. C. D. An. Do. 1135.*
Geoffrey Duke of Anjou dethroned King Henry.

Nation, and gave the Earldom of *Shrewsbury* to his Queen; and fearing she would bear him no Children, he bethought himself of a Succellor to the Kingdom, and in the same Council caused all the *Optimates of England*, the Bishops and Abbats to Swear, That if he should dye without Issue Male, they would receive his Daughter *Maud* the Empress for their Queen, having first told them what a great misfortune to the Nation the death of his Sons was, and now that his Daughter was his only Lawful Succellor. The first that Swore was *William Arch-Bishop of Canterbury*, next the Bishops, and then the Abbats. The first Layman that Swore was [3.] *David King of Scots*, the next *Stephen Earl of Mortain and Bologn*, King Henry's Nephew, by his Sister *Adela*; then *Robert Duke of Gloucester*, between whom and *Stephen* there was great emulation which should Swear first. All thus bound by Faith and Oath, the Council was dissolved. After *Whitsonide* he sent his Daughter into *Normandy*, that she might be betrothed to the Son of *Fulke Earl of Anjou*, by the Arch-Bishop of *Rouen*, and followed himself to see them Married, and [4.] returned again that very year. The *Norman Monk* placeth this [5.] Marriage in the year following, and says that *Turgis* Bishop of *Auranches* Married them.

In the [6.] Thirtieth year of his Reign the King passed into *Normandy*, and met Pope *Innocent* at *Chartres*, and there acknowledged him for Pope, notwithstanding he was shut out of *Rome*, and *Anacletus* possessed of that Seat; and then at *Rouen* he and his great Men made him many Presents.

The next [7.] year he returned into *England*, and with him his Daughter the Empress; and in a great Convention of the Nobility at *Northampton*, such as had Sworn Fealty to her before, renewed their Oaths, and such as before were not Sworn, did then by Oath bind themselves unto her.

The year following [8.] on the Fifth of *August* he passed again into *Normandy*, and never came more into *England*. He continued there three years [9.] and about four Months, and in the mean time his Brother *Robert* died on the Tenth of *February* in the Castle of *Cardif* in *Wales*, after he had been Prisoner Twenty eight years, and was buried in *St. Peters Church* in *Gloucester*.

In the [10.] last year of his Reign, hearing strange news of the Insurrections of the *Welsh*, he thrice endeavoured with a choice number of Bowmen and others to come for *England*, but was diverted by his Son in Law *Geoffrey Duke of Anjou*; who affected the great Treasures of his Father in Law, and demanded *Normandy*, affirming that was the Agreement he made with him when he Married his Daughter. He despised the Kings Admonitions and Advice, and so far provoked him, that he had thought of taking his Daughter from him, and carrying her into *England*. He besieged *Roscelin Viscount of Beaumont in Mans*, Son in Law to the King, and burnt that

(1) When his Father in Law *Fulke* was made King of *Jerusalem* and Prince of *Antioch*, he gave to him *Anjou*, and all his Territories in *France*.

TOWN

Town down to the ground. This was the Origin of great Dissentions in *Normandy*, and *William Talvace*, and *Roger de Toeny* or *Todeny* were suspected to be the chief Incendiaries in these Broils. The King placed a good Garison in the Town of *Conches* that was *Todeny's* chief Strength, which kept him quiet. *Talvace*, he often summoned to his Court, who refused to come, whereupon he seized all his Lands; And thus deprived of all his Honours, he went to the Earl of *Anjou*, and lived in his Country. The King from the beginning of *August* till the Feast of *All-Saints* went about, and viewed the Country of *Seez*, and took into his possession *Alencon* and *Almenesche*, and other Castles belonging to *Talvace*.

On the [2.] Twenty fifth of *November* he came to *Lions Castle*, and ordered his Huntsmen to Hunt in that Forest the day following, but that night he fell sick, and died the First of *December*, being *Sunday*. His Body was brought into *England*, and buried in the Monastery of *Reading*. Before his death he ordered that all Forfeitures or Mulcts should be forgiven, all Exiles restored to their Country, and that all Men whose Estates had been seized should enjoy them again. He directed also his Son *Robert*, who had the Custody of his Treasure at *Falain*, that he should distribute 60000 *l.* amongst his Servants and Stipendiary Knights or Horsemen.

The noise of his Sickness drew the Noblemen about him, and there were present [3.] five Earls, *Robert of Gloucester*, *William de Warrenna*, *Rotro Earl of Mortain* in *Perch*, *Waleran of Malignet*, and *Robert of Leycester*, aliqne Proceres & Tribuni Nobilisque Oppidan; other Noblemen, great Commanders, and Noble & Castellans. These ask the King about his Succellor, and he adjudged all his Land in *England* and *France* to his Daughter by lawful and perpetual Succellion; being angry with her Husband, because he had provoked him by several injuries.

The King was in *Normandy* far the greatest part of his Reign, yet never had Insurrection or Rebellion against him in *England*, which is to be imputed to his favour and kindness to the Clergy, the Bishops especially, who were therefore his Friends; and to the rigorous Execution of his Secular Government, [5.] for he was inflexible in the rigor of Justice, and never suffered any thing committed by Delinquents not consentaneous to his Dignity, to go unpunished.

These were the meer Secular Actions of this King, what he had to do with the Ecclesiasticks compleats his Story, and acquaints us with the foundation of all the Rebellious Actions and Practises, first of the Clergy, and then of the Temporal Barons, by their insatiation, which will be related in the following History.

(*) 'Tis frequent with *Ordericus Vitalis* to call Castellans or Governors of Towns and Castles *Oppidani*, especially in the twelfth and thirteenth Books of his History, *Lib. 12. fol. 893. B. fol. 890. C. fol. 843. C.*

Talvace and *Toeny* Incendiaries. King Henry keeps them in awe.

[1.] *Ibid. fol. 901. B. C.*

King Henry dies.

He orders all Exiles to be restored, pardons all Mulcts and Forfeitures.

[3.] *Ibidem.*

He names his Daughter to the Succellion.

No Rebellions in *England* during his absence in *Normandy*, by reason he was kind to the Clergy, and rigorous to Seculars.

[5.] *Ibidem, fol. 91. b. n. 10, 20, 30.*

Church

Church Story.

[6.] *Eadm. f. 55. n. 30. f. 56. m. 1. An. Do. 1100.* Anselm refused to do Homage to the King.

[7.] *Concil. Rem. tertium.* Under Pope Urban the 11. *Lab. Tom. 10. Col. 615, 616, 117.* Denies him the right of Investitures. Anselm would have the King obedient to the Pope.

[8.] *Eadm. ut supra. n. 10, 10.*

[9.] *Fol. 13. n. 10.* The Heads of the Decrees which Anselm insisted on.

[1.] *Ibid. fol. 5. n. 40.* The Popes Legat not received in England.

[1.] *Ibid. & fol. 59. n. 40. An. Do. 1101.* [3.] *Append. n. 18.*

ON the [6.] Twenty third of September Anselm landed at Dover, and a few days after went to the King at Salisbury, and was kindly received by him; But required to do Homage to the King, as by Custom it had been done to his Ancestors, and receive the Arch-Bishoprick from his Hands, Answered, He neither would or could do it. The reason of his denial having been demanded, he insisted on divers things which had been determined in the Council at [7.] Rome, which if the King would receive and observe, there should be a firm Peace between them, but if otherwise, he could not see that his stay in England was either honest or profitable, especially if the King continued to dispose of Bishopricks and Abbacies, for then he could neither come into the presence of the King, or company of such as receive them from him; Neither, as he said, did he return into England to reside there, unless the King would be obedient to the Pope. [8.] Who hearing these things, was much troubled, esteeming it a great matter to lose the Investitures of Churches and Homage of Bishops; thinking it also a grievous thing, that Anselm should depart the Kingdom, having scarce been confirmed in it. In the first he should as it were lose half the Kingdom, and in permitting the second, he was afraid lest Anselm should pass over Sea to his Brother Robert, (then come from Jerusalem) and bring him into subjection to the Roman See (which he knew was easie to be done) and then make him King of England; Upon these Verbal Altercations, the further debate of the matter was respite until Easter, that Messengers might on both sides be sent to the Pope to incline him to waive his Decrees, and suffer the Custom of the Kingdom to have its course, and the Church the mean time to remain in the same State it was. Anselm knew it signified nothing to send Messengers, yet to avoid suspicion from the King or great Men he consented to what they desired. The Decrees of the Pope have been touched before, and they were Sentences of Excommunication (which Eadmer, being present with Anselm in this Council, says he [9.] heard) against such Laymen as gave the Investitures of Churches, and against such as received them from the Hands of Laymen, and lastly against such as should do any Homage to any Layman for any Ecclesiastical Preferment.

This year Guido [1.] Arch-Bishop of Vienne in France came into England by Command, and in the Name of the Pope, as his Legat of all Britain, at which all Men admired, seeing it was never heard of before, that ever any Man was the Popes Legat in Britain, except the Arch-Bishop of Canterbury; and therefore he went as he came, no Man taking him for Legat, nor did he in any thing execute the Office.

When [2.] Easter was come, the Messengers not returned from Rome, and therefore the Debate between the King was deferred until their return, which was not until towards the later end of Summer, and then they only brought Pope [3.] Paschals Letters to the King,

against

against the giving of Investitures by Laymen, in which he seems to be of the same opinion with his Predecessor Urban.

The King [4.] Commands Anselm to Court, and when he came, required him to do him Homage, and Consecrate those to whom he gave Bishopricks and Abbies. He refused to do them; and the King told him he would not lose the usage of his Ancestors, nor suffer any one in his Kingdom that refused him Homage. At length the Bishops and Princes [5.] of the Land met at Winchester, and by common assent prevailed with Anselm to respite the matter again, until other Messengers of better Note than the former were sent and returned. Anselm on his part sent two Monks, Baldwin of Bec in Normandy, and Alexander of Canterbury; The King sent three Bishops, Gerard Elect of York, Herbert of Thetford, and Robert of Chester. These [6.] bring back from Rome two Epistles, [7.] one to the King, in which Pope Paschal by the Judgment of the Holy Spirit, interdicts which Pope Paschal by the Judgment of the Holy Spirit, interdicts him from giving Investitures; another to Anselm, wherein he confirms what he had done. The King calls together the great Men at London, and sends to the Arch-Bishop, that he would no longer deny him the enjoyment of his Fathers Customs, and if he did, to avoid the Realm. He refers the King to his Letters, ([8.] which the King would not have opened or read) and said, if by those he were permitted to do what the King desired, then he would comply. [9.] Much wrangling there was about the Letter sent to the King, the three Bishops stood stoutly to maintain, that the Pope said no such things to them as were mentioned in Anselms Letters, and that the Pope sent by them a Verbal Order to the King, That so long as in other matters he was a good Prince, he might use Investitures; The Monks maintained the contrary. The [1.] Bishops and great Men were on the Kings side, and persuaded Anselm to do Homage, and Consecrate such as the King should appoint to Bishopricks. But all they could obtain from him was, that he would not withdraw his Communion from the King, if he gave Bishopricks, or those that received them (as from Excommunicated Persons) until he sent to Rome to know certainly what he was to do; but in the mean time he would neither Consecrate any of them, nor command or permit any other to do it.

Here the [2.] Controversie rested, and the King thinking he had the advantage, invested two of his Clerks Bishops, by the gift of the Pastoral Staff; Roger the Chancellor in the Bishoprick of Salisbury, and another Roger his Landerer in the Bishoprick of Hereford.

This was done [3.] in the Feast of St. Michael, when the King was at Westminster, with all the Principes or chief Men of the Kingdom of both Orders, Ecclesiastical and Secular, at which time there was held a great Council.

Anselm [4.] by the Kings consent presided in this Council, and requested the King that the Secular great Men might be present, that what was Decreed by the Authority of that Council, might be observed as Established by the unanimous consent of both Orders, that is, of the Bishops, Abbats, and Principes or Primates, the chief or prime Men of the whole Kingdom. These [5.] A&S and Canons

[4.] *Ibidem, & fol. 61. n. 40, 50.* The King demands of Anselm Homage. He refused to do it.

[5.] *Ibid. fol. 61. n. 10, 10.*

[6.] *Ibid. fol. 61. n. 10.* [7.] *Append. n. 19.*

[8.] *Ibid. fol. 70. n. 30.*

[9.] *Ibidem, fol. 65. n. 10, 10, 30, &c.*

[1.] *Ibid. f. 66. n. 10, 40, 50.* Anselm would not be persuaded to comply with the King.

[2.] *Ibidem, n. 50.* The King invests two Bishops by the Pastoral Staff.

[3.] *Flor. Wig. f. 81. An. Do. 1101.*

[4.] *Eadm. f. 61. n. 10, 10.* A great Council of both Orders.

[5.] *Append. n. 10.*

nons of this Council are noted by *Eadmer*, as he received them from the Arch-Bishop.

[4.] *Eadm. f.*
68. n. 50.

[7.] *Ibidem.*
fol. 69. n. 10,
20, 30.

Anselm refused
to Consecrate such as
received their
Inveſtitures
from the King.

The People
had ſuch an
opinion of
Anſelm that
they clamour
againſt the
other Biſhops.

[8.] *Ibidem.*
n. 40, 50.

A wrangling
Intercourſe
between the
King and
Arch-Biſhop.
[9.] *Ibid. fol.*
70. n. 10, 20.

Roger the [6.] Elect of *Hereford* died not long after he was choſen, and *Reinelin* the Queens Chancellor ſucceeded him by the like Inveſtiture; and the King [7.] ſent to *Anſelm* to Conſecrate the two late Elects, with *William Giffard* that had been elected to the Biſhoprick of *Wincheſter* ſome time before; He would have Conſecrated the Elect of *Wincheſter*; becauſe choſen before his return from Exile, but reſuſed the other two; but the King would not permit that to be done, unleſs he would Conſecrate them all; and therefore commanded *Gerard* Arch-Biſhop of *Tork* to Conſecrate them all together. Which ſo ſoon as *Reinelin* underſtood, he brought back the Staff and Ring to the King, repenting that he had received them from him, repuſing it rather a Curſe than a Bleſſing to receive Conſecration from *Gerard*; for which he loſt the Kings favour, and was removed from Court. The Arch-Biſhop of *Tork*, with all the Biſhops of *England* were ready, and appointed a day to Conſecrate the other two at *London*, where when all things were prepared for the Solemnity, *William* the Elect of *Wincheſter* likewiſe reſuſed his Conſecration by him, and ſo the Biſhops departed in confuſion, not doing any thing; Whereupon the Multitude (which uſed to be gathered together upon ſuch occaſions) having for the ſake of *Anſelm* a good opinion of *William*, made a loud clamour, that he was a Lover of Right, that the Biſhops were no Biſhops, but deſtroyers of Juſtice. They complain to the King of this rudeheſs and contumely; *William* is brought before him, and accuſed, who remained obſtinate, and therefore had all his Goods taken from him, and was baniſhed the Kingdom. Concerning theſe Matters *Anſelm* ſeeks for Judgment and Juſtice from the King, and urged him with repeated Prayers and Complaints, but could not move him.

About the [8.] middle of *Lent* following, the King came to *Canterbury*, pretending to go forward to *Dover* to meet the Earl of *Flanders*; He ſtaid three days there, and by his Friends let the Arch-Biſhop know, that he had almoſt outworn his patience, and that if he ſtill derogated any thing from the Cuſtoms of his Father, he ſhould be forced to uſe ſeverity againſt him. [9.] He ſaid the Meſſengers were come back which he had ſent to *Rome* to know whether the Verbal Relation the Biſhops brought from thence were true, and had brought with them Letters that would declare the truth, and would have had the Letters peruſed, to ſee whether there could any thing be found in them that did give him leave to ſubmit to the Kings Will; who replied he would not induce theſe delays, and preſſed for a final Reſolution from him, asking what the Pope had to do with his buſineſs. The Arch-Biſhop re-joynd, 'that to ſave his Head, he would not conſent to the uſe of any thing he had heard prohibited in the *Roman* Council, unleſs it were revoked by the ſame Authority. After much wrangling Intercourſe between the King and Arch-Biſhop, he requeſts him to go to *Rome* himſelf, and by his own induſtry endeavour to do that which others could not, leſt loſing the Rights of his Anceſtors he ſhould be leſs eſteemed than they were. *Anſelm* deſires his Reſolution herein might be reſpited until *Eaſter*, that hearing the Advice of the Biſhops and prime Men of the Kingdom

which

which were not then preſent, he might give his Anſwer accordingly. At *Eaſter* he comes to Court, and conſults the Nobility of the Kingdom in this buſineſs, and it was the unanimous Advice of the Council, that it was not fit for him in a matter of that weight, to reſuſe the labour and hazard of the Journey; He perſuaded their Advice, and prepared for his Journey, and when he came to the Abby of *Bec* in *Normandy*, he opened the Popes laſt mentioned Letters to him, which [1.] contradicted what the Biſhops had ſaid, and were in all points anſwerable to his expectations. By [2.] *Whitſuntide* he was gotten no farther than *Chartres*, where *Ivo* Biſhop of that place and other Friends perſwaded him to defer his Journey into *Italy*, until the great heat of the Season was ſomewhat over; He took their Advice, and returned to *Bec*, where he ſtaid until the middle of *Auguſt*, and then went again to *Chartres*, where he was received by the great Men of the Countreies adjoining with high Reſpect and Honour, and preſented with Gifts more than he would receive.

While he thus loytered in his Journey, [3.] the King ſent *William Warlewaff*, who had formerly ſollicitd his Brother *Rufus* his Cauſe at *Rome*, againſt *Anſelm*, who was there ſome days before him, and endeavourd with all his Art and Induſtry to procure to King *Henry* the confirmation of all his Fathers and Brothers Cuſtoms and Uſages by Authority of the Apoſtolick See. [4.] He obtained the favour of many of the *Romans*; and the Pope and *Anſelm* being both ſilent while the Controverſie was in agitation, thought nothing could be denied him, ſaid before the Auditors, that whatever was diſcourſed there, he would have every one know, that his Maſter the King would part with his Kingdom before he would loſe the Inveſtiture of Churches. To whom the Pope replied, If it be ſo, neither will *Paschal* permit him to have them, though it were to ſave his Head. Yet he granted to the King ſome of his Fathers Uſages, prohibiting the Inveſtitures of Churches; and for a while reſpiting the Sentence of Excommunication his Predeceſſor had formed againſt him, keeping all ſuch under the Bonds of it, that had either received or ſhould receive Inveſtitures from him, for the preſervation of rigorous Diſcipline. Thus was the Kings Cauſe determined at *Rome*, and the ſatisfaction ſuch as were inveſted ſhould give, was left to the Cenſure of *Anſelm*. After this determination he ſent away *Anſelm*, with his Bleſſing and [5.] Epistle that confirmed to him all the Primacy of the Church of *Canterbury*, as fully as any of his Predeceſſors ever enjoyed it.

Warlewaff [6.] ſtaid at *Rome* after the Arch-Biſhops departure, pretending other buſineſs, but indeed to try if the Pope might be wrought upon in his abſence, but could not move him from his Reſolution. All he brought back were wheedling perſwaſory Letters [7.] to the King, to draw him to a compliance. [8.] *Anſelm* and *William* met at *Placentia* in *Italy*, and proceeding to *Lions* in *France*, *William* left his company, [9.] forbidding him in the King his Maſters Name, to return into *England*, unleſs he would certainly promiſe, that laying aſide all obedience and ſubjection to the Apoſtolick See, the King might poſſeſs all the Cuſtoms of his Father and Brother.

An. Do. 1103.

[1.] *Append.*
n. 21.
[2.] *Eadm.*
fol. 72. n. 10,
20, 30.

[3.] *Ibidem.*
n. 40.
The King ſent *William Warlewaff* his Solicitor to *Rome*.
[4.] *Ibidem*
fol. 73. n. 10,
20, 30, 40.
He demands the permiſſion of his Fathers and Brothers Cuſtoms and Uſages.
They are denied, eſpecially the Inveſtiture of Churches.

[5.] *Append.*
n. 22.
The Pope confirm the Primacy of *Canterbury*.
[6.] *Ibidem.*
f. 74. n. 10, 20.
Warlewaff brought from the Pope only wheedling Letters.
[7.] *Append.*
n. 23.
[8.] *Eadm.*
in vita *Anſelm.*
lib. 2. fol. 82.
Col. 1573.
[9.] *Ibidem.*
William Warlewaff forbids *Anſelm* to return into *England* unleſs he will.

[1.] *Ed. Hist.*
vol. 1. p. 75.
Anselm gives
the King an
account what
he did at
Rome.
[2.] *Append.*
n. 14.

Anselm staid at [1.] *Lions*, where he was mightily caressed by the Arch-Bishop and his Clergy, from whence he sent a Messenger with Letters to the King, in which he gave him an account what had been done at *Rome*, and what Command he had received from his Commissioner *William*; in which he wrote; that [2.] the Pope would not depart from the Decrees of his Antecessors, and also commanded him, that he should have no Communion with such as had been Invested by him, or such as Consecrated any Persons so Invested; and further, that he had received his Command by *William*, not to enter into *England*, unless he resolved to do what his Predecessor had done with his Father; And says, he could not use such Compliance, because he could not do him Homage, nor Communicate with such as received Investitures from him, by reason of the prohibition he had heard in the Council made against them.

[3.] *Ed. Hist.*
vol. 1. p. 30,
31, 32.
The King
owns the pro-
hibition of
Anselm to
return into
England.

When [3.] *Warlewast* returned, and informed the King what he must trust to, he forthwith Commanded the Arch-Bishoprick to be seized to his own use; and after some time *Anselm* received at *Lions* Letters from the King, by *Everard* a Monk of *Canterbury*, wherein the King owned that he did direct *William* to tell him, that he was not to come into *England* unless he would promise to observe toward him all the Customs of his Father and Brother.

[4.] *Ibidem.*
vol. 78. n. 30,
31, 32.
[5.] *Append.*
n. 15.
An Do. 1104.
Anselm Ex-
communicates
the Kings
Counsellors.
[6.] *Ibid.* fol.
78 n. 20.

The [4.] King again sends Messengers to *Rome*, to try if they could prevail with the Pope to command *Anselm* to submit to the King; but he was so far from it, that he [5.] Excommunicates by the Judgment of the Holy Spirit (as he says) all the Kings Counsellors, and particularly *Robert* Earl of *Mellent*, for advising the King to insist upon, and put in practise his Rights of Investiture, and those likewise which were invested by him, but the Sentence against the King was [6.] rescript until further Consideration.

[7.] *Ibidem.*
fol. 79. n. 10,
30, 40, 50.
Anselm visits
the Countess
of Blois.

At length [7.] *Anselm* came from *Lions* to the Priory of *St. Mary de la Charite* upon the River *Loire*, a Cell of *Clugny*, where he understood that *Adala* Countess of *Blous*, the Daughter of great King *William*, lay sick at that Castle, thither he goes to visit her, who had been very kind, and magnificently liberal to him in his former Exile, as being an Holy and Religious Man, and one that she had under God, chosen to be the Director of her Life. When he came to her, he found her recovered of her Sickness, and staying some days in the Castle, wherein they had frequent Discourses, she asks him the cause of his coming into *France*; He told her it was to Excommunicate her Brother *Henry* King of *England*, for the injury he had done to God and him above two years; Which when she heard, she grieved vehemently (as the Monk says) that her Brother should be damned, and intended to try if she could reconcile him to the Arch-Bishop; To which purpose she desired him to go with her to *Chartres*.

She endeavours to reconcile the King and Anselm.

[8.] *Ibidem.*
fol. 80. n. 10,
20, 30.
The King
dreads An-
selm's Excom-
munication.

The King [8.] was then in *Normandy*, and when he had heard by Messengers from the Countess, that *Anselm* was come into *France*, and the reason of his coming, he presently considered how to divert him from his purpose. Therefore advising with his Friends, he by Messengers requested the Countess, that she would bring him into

Normandy,

Normandy, that he might speak with him, promising he would for Peace sake condescend to many things, he stood upon formerly. They met all three on the Twenty second of July at *Aquila* Castle, (now *Pagle*) and there the King after some Discourse had with them, re-invested *Anselm* of all his Profits of his Bishoprick, and they entered into their old Friendship; And it was further urged by some who were earnest in that particular, that he might return into *England*, the King consented, so as he would not withdraw his Communion from such as he had Invested, or such as had consecrated them. But he chose rather to stay out of *England* than to submit to this Condition, until such, as by agreement between them were sent to *Rome* for a determination in this point, and some others they could not then settle, were returned.

An. Do. 1106.
The King and
Anselm re-
conciled.

Anselm would
not comply
with the
Kings desires.

Upon [9.] the common Fame, that King *Henry* was to be Excommunicated, many designs were laid against him in *England*, *France*, and *Normandy*, (as not being then overmuch beloved) and it was not doubted but after his Excommunication they might take effect, yet by this Agreement they were all frustrated. With which the King seemed mightily pleased, and promised *Anselm*, his Messengers should make such haste, as he should be in *England* at his Court at *Christmas*.

[9.] *Ibidem.*
n. 10, 40.
Many Designs
formed
against King
Henry upon
supposition
he would be
Excommuni-
cated.

The Kings [1.] Envoy to *Rome* was *William Warlewast*, and the Arch-Bishop's was *Baldwin* a Monk; While these were gone about the Consummation of the Agreement, the King went into *Englance* to recruit his Army, and furnish himself with Money, in the Collecting whereof he used cruel Exactions upon all Men. Those that had not Money to pay, were either thrust out of their Houses, or had their Household-Stuff sold. But not having raised a sufficient Sum as he thought, he fell upon the Clergy; In the Council of *London* the Priests and Canons of *England* were forbidden the company of Women. They many of them violated the Interdict, either by retaining, or re-taking their Wives or Women; for this fault the King caused his Ministers to implead them, and take the Money due for the Expiation of it. But his Exactors finding the Sum this way raised to be less than they expected, set a certain Sum upon every Parish Church, and forced the Incumbent or Curate to pay it.

[1.] *Ibidem.*
fol. 83. n. 20,
30, 4, 50.

King Henry
used great
Exactions to
raise Money.

Especially
upon the
Clergy.

The Arch-Bishop [2.] of *Tork* and many other Bishops that were always firm to the King against *Anselm*, provoked with these Actions, wrote [3.] to him to come into *England*, and use his power to relieve them and the Nation.

[2.] *Ibidem.*
fol. 84. n. 10,
20.
The Bishops
fall from the
King.

[3.] *Append.*

n. 16.
[4.] *Ibidem.*
n. 40.

[5.] *Append.*
n. 17.

He wrote [4.] back to him, that until the Messengers returned from *Rome* he could not help them, not knowing till then what his power might be; And withall [5.] wrote to the King, That it belonged not to him to exact the Punishments, and take the Forfeitures of such Priests, who had not observed the Precept of the *London* Council; For that it was never heard of in any Church of God, that any King or Prince ever did so, for it belonged to the Bishops in their several Diocesses, and in case of neglect by them, to the Arch-Bishop and Primat.

Several

[6.] *Ibidem*, fol. 85, 86.[7.] *Append.* n. 28.[8.] *Ibid.* fol. 88, n. 50.

Anselm falls sick at Bec. The King goes to him.

[9.] *Ibid.* f. 89, n. 50.

An. Do. 1107. And promised not to take the Revenues of Churches when vacant.

And relieves to Anselm the Revenues of the Arch-Bishoprick.

[1.] *Ibidem*, n. 40, 50.

The observance of the Queen towards Anselm.

[2.] *Eadw.* in vita Anselmi, lib. 1, fol. 30, col. 1573.

* Sept. 28, 1107.

[3.] *Append.* n. 29.[4.] *Eadw.* f. 92, n. 30, 40.

A Council to dispose of the vacancies of Churches. The King prorogues the Council.

[5.] *Ibidem*, fol. 91, n. 10.

A Dispensation from the Pope.

[6.] *Append.* n. 20.

Several Letters [6.] passed between the King and Arch-Bishop about this Controversie, before the return of the Messengers from Rome into England; who first acquainted the Arch-Bishop then in Normandy with their dispatch from Rome, in which [7.] he had power given him by the Pope in all cases but that of Investitures, to use his discretion. The Letters they brought from the Pope bear date March 23, 1106.

From Anselm [8.] Warlewast came into England to the King, and gave him an account of his Negotiation with the Pope; and in few days returned to Anselm again to bring him into England, but found him so ill at the Abby of Bec, that there was no hopes of his coming; so that the King went to him, and arrived at Bec [9.] on the fifteenth of August, where he delivered free, without any exaction the Churches which his Brother William had first put under Tribute, or let to Farm, and promised that he would not take the Profits of Churches when vacant; and further promised in three years time to restore all the Money he had received from the Priests, and likewise to Anselm all the Revenue of the Arch-Bishoprick which he had received during his Exile.

Things proceeding thus smoothly between the King and Anselm, he came for England, [1.] and landing at Dover, was received with a general rejoicing and exultation of the People; and the Queen was so officious and observant of him, that he went before him from place to place, and wherever the Monks and Canons of any Monastery came in Procession to meet him, she went before, and saw his Lodgings prepared and adorned.

While these Matters were in agitation, the King was wonderfully [2.] joyful that he was like to make Peace with Anselm, and thought that thereby he should certainly Conquer all Normandy; which he did, for not long after coming to a Battle with his * Brother Robert, and other Princes and great Men of that Nation, he took him and several of them Prisoners, and also killed a great many, and became a Conqueror of the whole Nation, of which Victory [3.] he wrote Letters to Anselm; and all who at that time heard what was done, did ascribe it to the Merits of the Peace which the King made with Anselm.

After which Victory [4.] the King came into England, and at Easter the Princes or chief Men of the Land assembled at his Court, about disposing the vacancy of Churches; This Council the King prorogued until Whitsuntide, for that the Pope was come into France, and had sent for William and Baldwin, the late Envoys of him and Anselm, to come to the Council he held at Troyes; The King supposing he might have declared his mind in that Affair. At which time the Arch-Bishop being sick, the Council was again prorogued till the First of August.

It was then a [5.] Constitution in the Roman Church, that the Sons of Priests should not succeed their Fathers, or enjoy Ecclesiastical Benefices; but seeing there was a great number of such in England, the Pope sent a [6.] Dispensation to Anselm, that they might

might enjoy them, and that he might receive Richard Abbat of Ely into his Communion.

At the time, according to the last Prorogation, on the First of August [7.] the Bishops, Abbats, and Proceres or great Men of the Kingdom met in the Kings Palace at London, and for three days there was a Debate between the King and the Bishops about Investitures, Anselm being absent all that time; some perswading the King to act as his Father and Brother had done, and not to regard the Command of the Pope, who stood firm to the Decree concerning Investitures, but granted that the Clergy might do Homage, which had been also interdicted. By which means he brought the King to part with his Right of Investitures. [8.] Afterward Anselm being present before the Multitude that was there, the King consented and ordained, That from that time forward, neither Bishop nor Abbat should be invested by the Gift of the Pastoral Staff or Ring, by himself or other Lay-Persons; And Anselm likewise granted, That no Man should be debarred of his Consecration by reason of the Homage he should do to the King. This Agreement being made, almost all vacant Churches were filled with Pastors by the Advice of Anselm and the Proceres or great Men of the Kingdom; and they were Instituted by the King, without Investiture by the Pastoral Staff or Ring. [9.] Eadmer in the Life of Anselm, delivers the last Passage in other words, thus. All the Primores or Prime Men of England met in the Kings Palace at London, and Anselm obtained the Victory concerning the Liberty of the Church, for which he had long contended. For the King leaving the usage of his Antecessors, neither chose alone by himself such Persons as were to govern the Church, neither invested them in their Churches by delivering their Pastoral Staff. In this Council Anselm exacted obedience and subjection of Gerard Arch-Bishop of York, the King thought it sufficient if he performed the same obedience he promised when he was made Bishop of Hereford, which Anselm accepted.

It was agreed in this [1.] Council, That the Elects should be Consecrated, and accordingly William Giffard Elect of Winchester, Roger of Salisbury, Reinelin of Hereford, William Warlewast of Exeter, Urban of Landaff, were Consecrated on Sunday the Eleventh of August, and on that day according to the Popes Command he delivered to Eadwin Abbat of Ramsay his Pastoral Staff, of which he had been deprived [2.] for Simony in the Council of London.

In the [3.] Solemnity of Pentecost following there was held a great Council of all the great Men of the Kingdom at London, where Anselm and Thomas Elect of York, (for Gerard died coming to Court) and all the Bishops of England, did in the presence of King Henry, by the assent of all his Barons, make severe Laws against Priests, Arch-Deacons, Deacons, and Sub-Deacons, that kept Women in their Houses, or had Wives or Concubines, and caused the Arch-Deacons and Deans to swear to put those Laws in Execution against them, or they should lose their Preferments.

The first Debate [4.] about the largeness of the Dioceses of Lincoln was in this Council, and the King, the Arch-Bishop, and other

For Priests Sons to hold Livings.

[7.] *Ibidem*, n. 20, An. Do. 1107.

The Pope grants the Clergy might do Homage.

[8.] *Ibidem*, n. 30.

The King parts with his Right of Investiture.

[9.] *Ibid.* 2. f. 30, col. 1573.

Anselm exacts Obedience of the Arch-Bishop of York.

[1.] *Ibid.* f. 92, n. 10.

[4.] *Ibidem*, 67, n. 30.

[3.] *Ibid.* f. 94, n. 50, f. 95, n. 10, 101, 30, 40, Anno Domini 1108.

Severe Laws made against Priests, &c.

[4.] *Ibidem*,

Principes

The Bishoprick of Ely taken out of the Bishoprick of Lincoln. [5.] Append. n. 31.

[6.] Ib. f. 97. n. 49, 50.

[7.] Ib. f. 97. 98, 99, 100, 101, 102.

[8.] Append. n. 37. Anselm sends his Epistle to all the Bishops. [9.] Ibid. f. 102, n. 30.

[1.] Ibidem, n. 40, 50. An. Do. 1109. Anselm dies.

[1.] Ibidem, f. 103, n. 10, 20, 30, 40. The Bishops stand close to the Contents of Anselm's Epistle. The King, awed by Anselm's Excommunication.

[3.] Ibidem, n. 50. [4.] Ibidem, f. 104, n. 10, 20.

The Form of the Profession of the Arch-Bishop of York.

Principes or chief Men of the Kingdom, to make another Bishoprick out of it, and to fix the Bishops Seat at Ely. But though Anselm wrote to the Pope about it, the design was not finished in his Life time: [5.] yet not long after it was compleated, and Henry Bishop of Bangor was first made Bishop there.

Thomas Elect of York deferred his Consecration [6.] which Anselm supposed he did on purpose, to avoid his profession of Obedience to the See of Canterbury, or that he would not come to Canterbury to be Consecrated, (as the Custom then was) and suspecting he might without his knowledge procure a Pall from the Pope, he wrote to him not to send him one, in diminution of the Rights of the See of Canterbury, and had his desire granted. Many [7.] Epistles passed between them in this Contest; at last Anselm prohibited Thomas under a perpetual Anathema, that he should not receive Benediction to the Bishoprick of York, [8.] until he had made his Profession of due Subjection to the Church of Canterbury, and involved all the Bishops of England in the same, if they laid hands on him at his Consecration, or Communicated with him as a Bishop, if he were Consecrated by any Foreign Bishops. He sent every Bishop of England one of these thundering [9.] Epistles against Thomas under his Seal, that they might observe the Contents of it.

Anselm [1.] died April 20. 1109. and the King held the Feast of Pentecost next following at London, in great Worldly Glory, and Rich Appearance. The Fasting days over, he began to Treat with the Bishops and Princes of the Kingdom, what was to be done concerning the Consecration of the Elect of York. [2.] The Bishops stick close to the Contents of Anselm's Epistle, and resolve to lose all rather than recede from them. Robert Earl of Mellent began to Expostulate with them how any of them dare receive such a Letter without the Kings Consent and Command; They declare their resolution in the observation of it. The King complied, and professed he would not be one hour subject to the Excommunication of Anselm, and therefore appointed Thomas, according to the ancient Privileges of the Church of Canterbury, and Decree of his Father in the time of Lanfranc, to make his Profession, or [3.] he should not have the Arch-Bishoprick of York; which he did, having considered the Authorities by which it was supported, [4.] and his Profession was included in the Kings Seal, that nothing might be altered. He was Consecrated the Twenty eighth of July by the Bishop of London and other Bishops, being Sunday, in St. Pauls Church, and read his Profession in this Form.

I Thomas, which am to be Consecrated Metropolitan of the Church of York, do profess Subjection and Canonical Obedience to the Holy Church of Canterbury, and to the Primate of the same Church Canonically

(1) *Professio ne quid mutaretur Sigillo regio inclusa; & Litera sigillo regio inclusa.* fol. 101. n. 30. & *Litera sigillo regio reposita.* fol. 86. lin. 9. They were wound up in Wax, and had the impression of the Kings Seal; Such as these were called *Litera Clausa*, Close Letters or Writs; and the *Litera extra sigillum pendentes*, were the Letters Patentes, or *Litera Patentes*; and the ancient Rolls upon which these were Entred and Recorded, are to this day called the Patent and Close Rolls.

Elected

Elected and Consecrated, and to his Successors Canonically introned; saving the Fealty of my Lord Henry King of England, and the same Obedience due from me, that Thomas my Antecessor for himself professed to the Roman Church. [5.] On the First of August he received the Pall at York sent from the Pope by Cardinal Ulric, and the same day Consecrated Turgot, Prior of Duresm, Bishop of St. Andrews in Scotland.

At next Christmasts the Kingdom of England met according to Custom at the Kings Court at London, [6.] where there was a great and high Solemnity. The Arch-Bishop of York fitted himself to Crown the King that day, and Celebrate Mass in stead of the Primate of Canterbury; but the Bishop of London would not permit him, who as Dean of the Province placed the Crown on the Kings Head, and lead him by the right hand into the Church, and performed the Office of the day.

In this Council [7.] was agitated the Cause of the Priests, which had been forced from the Company of Women in the time of Anselm, many of them rejoicing at his death, promising themselves their old Liberty; but it happened contrary to their expectation, for the King, whom many feared more than God, by his Law forced them whether they would or not, to the observation of the Council of London, at least according to outward appearance.

But [8.] behold (saith my Author) some Abbats which were depopled for Simony in that Council, either obtained for Money those Abbies which they had lost, or others from Laymen. And those which were called Priests or Canons (the Kings Edict growing faint) by an infamous Commerce prevailed with their Bishops and Arch-Deacons that they might enjoy such Harlots as they had forsaken, or take others which pleased them better. And further, such as wore long Hair, who were certainly Excommunicated by Anselm, [9.] did so abound, and so boast of the Womanish and ignominious length of it, that such as did not wear it, they called by the opprobrious name of Clown or Priest.

When Anselm was dead, [1.] King Henry took the Arch-Bishoprick of Canterbury and all that belonged to it into his own hands, according to the Example of his Brother William, and so kept it five years, when he caused the Bishops and Princes, or chief Men of England to meet at Windsor, as desirous to have their Advice in making of an Arch-Bishop of Canterbury; and on the Twenty fifth of April the [2.] Bishops desiring, and the King assenting to it, Ralph Bishop of Rochester was chosen Arch-Bishop; and it being declared to the Multitude, they rejoiced wonderfully. On the Seventeenth of May he came to Canterbury, and was gloriously received of the Clergy and Laity, and introned by the Bishops, passing the first days of his Entrance in mighty Pomp and great Splendor.

This done, the King designed speedily to go for Normandy, yet taking the opportunity of this Council, [3.] by the Advice of his Bishops and Princes, or great Men, he supplied the vacancies of all Monasteries; He so hated the English, as he put in all Strangers,

[5.] *Ibid. fol. 654.*

[6.] *Eadem, fol. 105. lin. 3. n. 10.* A Contest between the Bishop of London and Arch-Bishop of York about Crowning the King. [7.] *Ibidem, n. 20.*

The King would not permit Priests the Conversation with Women. [8.] *Ibidem, n. 40, 50.*

Their Bishops and Arch-Deacons for Money permit them the use of Women. [9.] *Ibidem, fol. 106. lin. 1.*

[1.] *Ibid fol. 109. n. 10, 30.*

[2.] *Ibidem, fol. 110. n. 10, 20.* An. Do. 1114. Ralph Bishop of Rochester made Arch-Bishop of Canterbury.

[3.] *Ibidem, n. 30, 40.* King Henry hated the English.

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and it was only their Country that kept them out; If he were an *Englishman*, no virtue whatever could make him be thought worthy of Preference: but if a Stranger, any pretence to worth, or slight testimony made him capable of great Dignity.

Again, when [4.] *Anselm* Nephew to Arch-Bishop *Anselm* brought his Pall from *Rome*, which was on *Sunday* the Twenty sixth of *June*, there came to the Metropolis the Bishops, Abbats, Nobles, and an innumerable company of Men from all parts; for these Solemnities never wanted the attendance of the Rabble and Multitude, where there was plenty of good Meat and Liquor.

At the great Council held at [5.] *Salisbury*, *March* 19. 1115. or as *Florence* of *Worcester* 1116. the Controversie between *Ralph* Arch-Bishop of *Canterbury*, and *Thurstan* one of the Kings Chaplains or Clerks, who had been elected at *Winchester* on the Fifteenth of *August* the year before, to the Arch-Bishoprick of *Tork*, was discussed. This Elect was admonished to receive his Benediction from, and do his Duty to the Church of *Canterbury*; He answered he would willingly receive his Consecration, but could by no means make the Profession his Predecessors had done. *Ralph* not having patience to hear, what was, or might be said, this matter remained undetermined; Whereupon *Thurstan* sent to *Rome* to obtain a Dispensation for his Profession, but prevailed not. In the mean time the King taking notice of the obstinacy of *Thurstan*, and that he presumed much upon his favour, declared, That unless he would make such Profession as his Antecessors had done, and own the Dignity of the Church of *Canterbury*, he should never be Consecrated, or enjoy the Bishoprick of *Tork*. He answered the King and Arch-Bishop, That who ever was made Bishop there, he would never so long as he lived pretend or claim any Title to it.

Amidst this Controversie about *August*, *Anselm* that brought the Pall to the Arch-Bishop of *Canterbury* came into *England*, [6.] with the Popes Letters, to be his Viceregent or Legat. At which the Bishops, Abbats, and all the Nobility much admired, and were called together at *London* before the Queen, to Treat in a Common Council of this and other matters; when it was resolved by all that the Arch-Bishop of *Canterbury* (whom this business mostly concerned) should go to the King, and acquaint him with the ancient Custom and Liberty of the Kingdom; and that if the King advised it, he should go to *Rome*, and annihilate these Novelties. He complies with their Order, and passeth over Sea to the King at *Rouen*, where he found *Anselm* expecting passage into *England*; but the King not suffering any violence or prejudice to be done to the Customs of *England*, detained him in *Normandy*, and would not permit him to go further.

The Arch-Bishop [7.] goes on his Journey, but being hindered by Sickness, stayed much by the way, and at last came not to the Pope (who was then at *Benevento* in the Kingdom of *Naples*) by reason of his infirmity, but sent to him Messengers from *Rome*, by whom he received the [8.] Confirmation of all the Privileges to the Church of *Canterbury*, that *Anselm* enjoyed, and so came back to the

King

King at *Rouen*. This Confirmation was dated at *Benevento*, *March* 24. And the [9.] Clergy of the Church of *Tork*, by their Solicitors, mad Application to the Pope, for the Restitution of *Thurstan*, without making Profession to the See of *Canterbury*; but they only [1.] obtained his Restitution by a Bull dated *April* the 5th then next following.

Thurstan [2.] having thus been restored to his Bishoprick after two years abode in *Normandy*, returned into *England*, but the Arch-Bishop of *Canterbury* staid with the King, as did *Anselm*, until the *Peter-Pence* were collected in *England*, which he carried with him to *Rome*.

About this time Pope [3.] *Paschal* died, and *John* a Monk of *Monte-Cassino* in *Naples*, who had been Chancellor to three former Popes, was chosen by the name of *Gelasius*. The Emperor set up *Berard* Arch-Bishop of *Braga* in *Spain*, by the name of *Gregory*, and put him into possession of *Rome*. *Gelasius* left [4.] *Italy* and came into *France*, of which when *Thurstan* had notice, he went to *Rouen*, where the King rebuked him for coming over Sea without his leave, and commanded him to proceed no further, until the King knew certainly where the Pope was, and would make his Residence. The Messengers sent for that purpose return with the news of the Popes death, after which the Cardinals, and such as came with *Gelasius* into *France*, chose *Guido* Arch-Bishop of *Vienne* in *France*, who took upon him the name of *Calixtus*. [5.] *England* was much moved and divided concerning this diversity of Popes, some maintained one, some the other, and some that neither was duely elected to the Papacy; yet the *French*, the King of *England*, with the Arch-Bishop of *Canterbury* acknowledged *Calixtus*, and received him for Pope, denying *Gregory*.

On the Nineteenth of *October* *Calixtus* [6.] held a Council at *Rhemes*, where there was a great appearance of Arch-Bishops, Bishops, Abbats, and Princes of divers Provinces, with a numerous Multitude of Clerks and Plebeians. The King sent to this Council the *Norman* Bishops and Abbats, and all the *English* Bishops with him in *Normandy*, *William* Bishop of *Excester*, *Ralph* Bishop of *Durham*, *Bernard* of *St. Davids*, and *Urban* of *Landaffe*; The Arch-Bishop of *Canterbury* was sick and could not go. *Thurstan* also asked leave of the King that he might go, but could not obtain it, until he had obliged his Faith, that he would procure nothing from the Pope prejudicial to the See of *Canterbury*, or receive Episcopal Benediction from him. But when he came there, laying aside his faithful Promise, by bribing of the *Romans* he obtained his desire, and was Consecrated Bishop by the Pope himself: [7.] notwithstanding the King by a special Messenger had before given him notice of the difference between *Ralph* and *Thurstan*, as also of *Thurstan's* intentions, with request that he would not Consecrate him, or Command or permit any one to do it, unless the Arch-Bishop of *Canterbury*, according to old Custom; in which affair he promised to act no otherwise than the King would have him; [8.] of which Consecration when the King had certain notice, he prohibited *Thurstan* and his Followers from coming either into *Normandy*, *England*, or any of his Dominions.

M m 2

King

[9.] Ibidem, n. 50.

[1.] Ibidem, f. 121. n. 10. Append. n. 34.

[2.] Ibidem, f. 121. n. 30.

Peter-Pence collected in England.

[3.] Ibidem, n. 40. Anno Domini 1118 Jan. 19. Antipopes.

[4.] Ibidem, f. 123. lin. 2.

[5.] Ibidem, n. 10. 20. An. Do. 1119.

France and England receive Calixtus.

[6.] Ibidem, f. 124. n. 30. 40. 10. An. Do. 1119 A Council at Rhemes.

Thurstan by Bribery is Consecrated by the Pope. [7.] Ibidem, f. 125. n. 10. 20. 30. 40.

[8.] Ibidem, n. 40. 50. The King prohibits him coming into England.

[9.] *Ibidem.*
The Pope
yields the
King should
enjoy his Fa-
ther's Customs.

[1.] *Ibidem.*
f. 126. lin. 1.
n. 10.
The Pope
would have
absolved the
King.

[2.] *Ibidem.*
He denies his
Absolution.

[3.] *N. 129.*
10.

The King
would neither
acknowledge
Thurstan Bi-
shop of York,
or permit him
to remain in
his Dominions.

[4.] *Ibidem.*
f. 130. n. 10,
20.
Eadmer made
Arch-Bishop
of St. An-
drews.

[5.] *Ibidem.*
fol. 132. n. 10,
20.

And rejected
for his selfish-
ness.

[6.] *Ibidem.*
fol. 139. &c.

[7.] *Ibid.* fol.
136. n. 30, 40.
An. Do. 1121.
Thurstan ob-
tained a Bull
for the enjoy-
ment of his
Bishoprick.

King Henry and the Pope met not long after at *Gisors*, in the Confinnes of *France* and *Normandy*, to [9.] Confer about this and other matters, when he yielded the King should enjoy all the Customs his Father had in *England* and *Normandy*, and chiefly that no Man at any time should be sent as Legat into *England*, unless the King himself had some special Cause or Complaint that could not be decided by the Arch-Bishop of *Canterbury*, and other Bishops of the Kingdom, and should desire him to send one.

Upon this Agreement [1.] the Pope desired the King to be a Friend to *Thurstan* for his sake, and to restore him to the Bishoprick to which he was Consecrated. He answered, he had engaged his Faith not to do it so long as he lived. The Pope replied, if he would do what he required, he would absolve him from that Engagement. The King said he would consider of that, and acquaint him with his Resolution. [2.] They parted, and the King by his Envoy answered, That whereas he said he was Pope, and he could absolve him from the Faith he had given, if against it, he should receive *Thurstan* as Arch-Bishop of *York*, it seemed not agreeable to the Justice and Honour of a King to consent to such an Absolution.

But because he so earnestly desired *Thurstan* [3.] should be admitted, he granted it should be so, if he would come to *Canterbury*, and profess due obedience and subjection to the See, and to the Primate in Writing, as *Thomas*, *Gerard*, and a second *Thomas* had done before him, which if he refused, he should not be Bishop of *York* so long as he was King of *England*. This I have promised, said the King, and pledged my Faith to make it good. Arch-Bishop *Ralph* returned to *Canterbury* the Second of *January*; *Thurstan* followed the Pope; The King stood to his Resolution, and would neither admit him to be Bishop of *York*, or suffer him to remain in his Dominions.

Soon after *Ralph* Arch-Bishop of *Canterbury* [4.] his return to *England*, *Alexander* King of *Scots* directed a Letter to him to send *Eadmer*, one of his Monks, (and our very Author) that he might be made Arch-Bishop of *St. Andrews*; with the Kings leave the Arch-Bishop sent him, and on the [5.] Feast of *St. Peter and Paul* was Elected, and was invested or put in possession of the Bishoprick without receiving the Crozier or Ring from the King, or doing him Homage; but when he came to be Consecrated, he would receive his Consecration no where but at *Canterbury*; and stand up upon other Punctilio's, being somewhat of the temper of his Master *Anselm*, whose perpetual Companion he had been, the King would none of him, and so he returned again to *Canterbury*: yet afterwards repenting himself, he wrote a very [6.] submissive Epistle to King *Alexander*.

In the Convention of great Men at *Dover* which came thither to meet and receive the new Queen, [7.] there was Discourse of the difference between *Ralph* Arch-Bishop of *Canterbury*, and *Thurstan* of *York*, who had procured a Bull from the Pope, after the same manner all things were obtained at *Rome*, which commanded he should enjoy his Bishoprick under pain of an Anathema to the King.

King, and Suspension to the Arch-Bishop. After great discussion of the Privileges of the Church of *Canterbury*, left the Punishment determined in the Popes Letters might affect the King or Arch-Bishop, *Thurstan* was permitted to come into *England*, and go to *York*; but so, as he should not Celebrate Mass out of his own Diocesis, until he had made satisfaction unto the See of *Canterbury*, by abjuring the obstinacy of his Mind.

A Calixtus [8.] by the help of an Army having taken his Anti-pope Gregory, spoiled him of all he had, and thrust him into a Monastery, and then being secure of the Papacy, sent his Legats all the World over, and gave to one *Peter* of a Princely Family, a Monk of the Order of *Clugny*, a Legantine Power over *France*, *Britain*, *Ireland*, and the *Orcades*. King Henry [9.] sent the Bishop of *St. David's* to Conduct him into *England*, and when he came, told him he could not part with the ancient Customs of *England*, granted by the Pope, of which one was, That *England* was free, and not subject to any Legantine Power; with which Information and rich Presents he departed well satisfied, not offering to execute his Commission.

On the Twentieth of October died *Ralph* Arch-Bishop of *Canterbury*, [9.] and by the Kings Precepts all the Bishops, Abbats, and great Men met at *Gloucester* on the Second of February following to fill that Vacancy; where *William* a *Benedictine* Monk, Prior of *St. Ovis's* in *Chiche*, was substituted in his place. *Gervase* the Monk of *Canterbury*, as all the Writers of this Age tell us, That *John de Crema* Priest, Cardinal, and the Popes Legat, whom the two Arch-Bishops received pompously, held, and presided in a Council at *Westminster*, (the Canons of which are to be seen in *Simon Dunelm. Anno Domini* 1126, and in the *Continuer* of *Florence*, 1125.) and [1.] adds, That it was a thing never heard of since the first coming of *Augustin*, that it was an unusual Novelty, a Scandal to *England*, and a grating upon the Liberty of this ancient Kingdom, which had never been subject to any Legantine Power. The year following Arch-Bishop *William* as Arch-Bishop, and Legat, called and presided in a Council at *Westminster*. The Canons of it are published by the *Continuer* of [2.] *Florence* of *Worcester*, which the King confirmed by his Royal Authority, as he did likewise those of the Council the year before.

In the Twenty ninth year of his Reign this King [3.] held a great Council on the First of August, for the prohibiting of Priests to make use of their Wives or Concubines, in which the Bishops and Clergy, by the easiness of *William* Arch-Bishop of *Canterbury*, granted to the King the Correction and Mulcts of the Priests for this Transgression. He makes his advantage of it, and upon Composition and a yearly payment permits them to enjoy their Wives and Concubines; and by this means raised (saith *Huntingdon*) an infinite Sum of Money.

The extraordinary Taxations of this King are not particularly noted, nor is it said how they were imposed. In the Fourth year of his Reign [4.] *Florence* of *Worcester* says, it was not easy to declare what misery *England* suffered by reason of the Kings Exactions.

[8.] *Ibidem.*
f. 137. n. 30,
40, 50.

[9.] *Ibidem.*
f. 138. n. 10,
20.
The Popes
Legat not ad-
mitted in
England.

[9.] *Gerv.*
Dor. col. 1662.
n. 30.
An. Do. 1122.
William Prior
of *St. Ovis's*
chosen Arch-
Bishop of
Canterbury.

[1.] *Ibidem.*
Col. 1663. n.
10, 50.

[3.] *Fol. 662.*
663.
The King con-
firmed the Ca-
nons of
Councils.
[3.] *Huntingd.*
f. 220. a. n.
10, 20.
The punish-
ment of
Priests per-
mitted to the
King.
He Com-
pounds with
them for the
enjoyment of
their Wives
and Concubines.
Ki g Henry's
Taxations.
[4.] *Fol. 652.*
An. Do. 1104.

In

[1.] *Eadm. fol.*
81. n. 30, 40.

In the Sixth year of his [5.] Reign his Impositions were general and cruel, according to *Eadmers* report; and besides other rigorous Exactions from the Clergy, he set a particular Sum upon every Parish Church, and forced the Incumbent to pay it; or, according to the Historian, to redeem the Church.

[6.] *Hen.*
Humf. f. 117.
b. n. 10.

In the Eighth year of his Reign he had for the [6.] Marriage of his Daughter *Maudd* to the Emperor *Henry* the Fifth, three Shillings of every Hide of Land in *England*, which upon a just value at this day would be equal to 824850 *l*.

[7.] *Ibidem.*
f. 118. d. l. 6.
Paru. f. 67.
fin. 3.

In the Sixteenth year, by reason of the Kings necessities, *England* was oppressed with [7.] frequent and various Payments and Exactions 5 *l* find no Scutage paid unless it were comprehended under Gelds and Exactions. No doubt but it was often paid, especially by such as did not accompany the King in his several Expeditions, being summoned, and sometimes also as an Aid at other times.

m.

Besides his extraordinary Exactions, if there be any credit to be given to the Laws attributed to this King, or that are said to be in use in his time, he had a constant annual Land Tax, which is there called *Danegeld*, of Twelve pence upon every *m* Hide, to be paid at certain Terms, and a forfeiture set upon such as did not duely pay it.

Henry the First his Issue.

1. **H**IS Lawful Issue by *Maudd* of *Scotland* was only one Son named *William*, who was drowned as aforesaid, and died without Issue.

2. One Daughter commonly called *Maudd* the Empress, because first Married to *Hen. 5th* the Emperor. Her second Husband was

Hidage or
Danegeld
what it was.
[1.] *L.L. Ed.*
c. 11.
[2.] *Flor. Wig.*
An. Do. 591.
Ibid. in the
same years.

(m) This Hidage or *Danegeld* was at first collected to hire Soldiers to repel the *Danish* Pirates upon their Landings, as it is said in the [1.] Laws attributed to *Edward* the Confessor. But *Florence* of *Worcester* says more truly, [2.] that it was paid as a Composition and Tribute to the *Danes*, that they might desist from their Rapines, Burnings, and killing of Men upon and near the Sea Coasts, and for to have a firm Peace with them, and that the first Payment made, and Money given, was 10000 *l*. in the year 991.

In the year 994. they received 16000 *l*. Tribute; in the year 1002. 24000 *l*. in the year 1007. 36000 *l*. in 1011. 48000 *l*. in 1014. 30000 *l*. in the year 1018. 72000 *l*. of all *England*, and 10500 *l*. of *London*.

[3.] *Lib. Nigr.*
in *Scaccario*,
Tit. 19.
The price of
Victuals in
this Kings
Reign.

In this Kings Reign [3.] Wheat to make Bread for One hundred Men oneday was valued at one Shilling; a Ram or Sheep at four Pence; and the Allowance, or Hay, and Provender for twenty Horses one day at four Pence. So that if we set things at twenty times the value now they were then, that is, that one Shilling or Groat then would buy as much as twenty Shillings or Groats will now, and go as far in ordinary Expenses; which is no hard Account, it follows that every 10000 *l*. then, must be equal to 200000 *l*.

[4.] *Canab.*
Brit. f. 114.

In the time of the Heptarchy there were in *England*, [4.] South of *Humbr* 244400 Hides of Land, b sides what was in *Wales*, (and perhaps *Cornwall*) and the five Counties beyond *Humbr*, *Yorkshire*, *Bishoprick of Durham*, *Westmorland*, *Cumberland*, *Northumberland*, and part of *Lancashire*, which at one Shilling per Hide amounts to 12220 *l*. which multiplied by twenty produceth 244400 *l*. and then allow the five Counties and part of *Lancashire* to be the eighth part of the Nation, *Wales* excluded, there ought to be added 30550 *l*. more, which makes the annual Tax of Hidage then at one Shilling per Hide equal to 274950 *l*. now.

Geofry

Geofry *Plantagenet* Earl of *Anjou*, by whom she had *Henry* the Second King of *England*; and two other Sons [3.] *Geofry* and [4.] *William* that died without Issue.

[3.] *Chron.*
Norm. 99. A.
[4.] *Ibidem*,
999. C.

His Natural Children.

1. **R**obert created Earl of *Gloucester* in the Ninth of *Henry* the First, by [5.] *Nesta* Daughter of *Rhees ap Tewdor* Prince of *South Wales*.

[5.] *Geneal.*
Hist. of the
Kings of Eng-
land, fol. 45.
[6.] *Ibidem*,
fol. 30.

2. *Richard* begotten of the [6.] Widow of one *Anskil* a Nobleman in *Oxfordshire*: he was drown'd with Prince *William* his half Brother.

3. *Reynald* created Earl of *Cornwall* in the Fifth of King *Stephen*, was begotten of [7.] *Sibill* Daughter of Sir *Robert Corbet* of *Alcester* in *Gloucestershire*.

[7.] *Fol. 50.*

4. *Robert* by [8.] *Edith* Daughter of a Northern Nobleman of *England*.

[8.] *Fol. 30.*

5. *Gilbert*.

Ibid. f. 31.

6. *William* [9.] *de Tracey*, so named from a Town in *Normandy*, who died soon after his Father.

[9.] *Ibidem*.

7. *Henry* by [1.] *Nesta* aforesaid.

[1.] *Ibidem*.

8. *Maudd* [2.] espoused to *Rorro* Earl of *Perch*, who was Son to *Arnulph* of *Hesding* that had great Possessions in *England*.

[2.] *Ibidem*,
f. 32.

9. Another *Maudd* [3.] Married to *Conan* Earl of *Britain*.

[3.] *Ibidem*.

10. *Julian* [4.] Married to *Enstace* de *Pacie* Bastard Son of *William* de *Breteil*, eldest Son and Heir of *William*, and elder Brother of *Roger* Earl of *Hereford* in *England*.

[4.] *Ibidem*.

11. *Constance* [5.] Wife of *Roscelin* Viscount of *Beaumont*, so called from a Town in the County of *Mayn*.

[5.] *Ibidem*,
f. 33.

12. [6.] Married to *Matthew* Son of *Burchard* of *Montmorency*, from whom descended the ancient Family of that name.

[6.] *Ibidem*.

13. *Elizabeth* [7.] by *Elizabeth* Sister of *Waleran* Earl of *Melent* Married to *Alexander* King of *Scots*.

[7.] *Ibidem*.

All these Base Children of this King are recounted in *Gemeticensis*, lib. 8. c. 29.

(*) *Plantagenet* or *Plantagenist*, that is *Planta genista*, or Broom Plant, because he wore in his Cap or Bonet a Sprig of Broom.

Plantagenet,
the reason of
the name:

THE

THE
REIGN
OF
King Stephen.

KING Stephen was third Son to Stephen [1.] Earl of Blois, by Adela the fourth Daughter to William the Conqueror: his Uncle King Henry made him Earl of [2.] Mortaign in Normandy, and gave him many Lands and Honours in England; by reason of which Advantages and Preferments, he became the Husband of the Daughter and Heir of [3.] Eustachius Earl of Balou.

After the death of King *Henry*, he made haste into *England*, and was too quick for *Maud* the Empress, her Husband *Geoffrey* Earl of *Anjou*, and her Brother *Robert* Earl of *Gloucester*, who were delayed for some time with the Business of *Anjou* and *Normandy*. [4.] *Templ-ing God*, he invaded the *Crown*, notwithstanding he had Sworn Fealty to the Daughter of King *Henry*, as Inheritrix of the Kingdom of *England*. And *William* Arch-Bishop of *Canterbury*, who first swore to be faithful to her, Crowned him on the 2^d of *December*, King *Henry* dying the first of that Month in *Normandy*; All the Bishops, Earls, and Great Men, that made the same Oath to *Maud*, assented to his Coronation, and did Homage to him. At that time

"First, That after the deaths of [5.] Bishops, he would never keep Bishopricks void, for his own advantage, but presently con-

"*Secondly*, That he would not retain the Woods of any Clerk
"or Layman in his hands, as King *Henry* had done, who every
"year impleaded, or vexed them, if either they Hunted in their
"own Woods, or if for their own necessities, they stubbed them up,
"or diminished them.

"Thirdly, That he would for ever Release *Danegelt*, (that is) "two Shillings an Hide, which his Predecessors were wont to receive every year.

Geruase of [6.] *Canterbury* says, That coming over in a swift
sailing Ship, the People of *Dover* repulsed him, and the Inhabitants
of

[1.] *Ord. Vit.*
f 573. D.
574. A.
An. Do. 1135.
[2.] *Ibidem.*
King Stephen
Married the
Daughter and
Heir of the
Earl of Bologn.

She was
Daughter to
Henry the
First.
[4.] Hen. Hun.
f. 221. 4. m. 50.

All the Bishops, Earls, and Barons consent to the Coronation of Stephen, notwithstanding their Oath to Maud, and do him Homage.
[s.] *Ibidem*,
f. 21. b. n.
10. 40.
Stephen's Oath at his Coronation.

[6.] Col. 1342.
n. 10.

of *Canterbury* shut their Gates against him; and that the *Londoners*, with some Great Men, received him with Honour; where in Discourse between *Stephen*, and some of the Chief Men of *England*, about the Succession of the Kingdom, in the presence of *William* Arch-Bishop of *Canterbury*, he said, That by reason of the Oath he had made to *Maud* the Empress, he dare not Crown any other. One of the most powerful Men of *England* standing by, Iware, he was present, when King *Henry* voluntarily, and in good Faith, released that Oath. Which being heard, *Stephen* was Elected by almost all of them, and Crowned by Arch-Bishop *William* on the 22^d of *December*. A more true and full Account, how this Man obtained the Crown, may be seen in the *Exact History of Succession*, &c. His Title (such as it was) he procured to be confirmed by the Popes Bull, which may be found in the *History of Richard Prior of Hereford*, Col. 313. n. 30.

He found a vast Treasure that King Henry had left; [7.] One hundred thousand Pounds in Money, and Gold and Silver Vessels of an inestimable value. This drew to him very many Soldiers, especially out of *Flanders* and *Brittany*, besides the *English*, which at present so Establishment him, as neither the Duke of *Anjou*, nor his Brother in Law, *Robert* Earl of *Gloucester*, thought fit to attacke him; who after [8.] *Easter* came out of *Normandy* into *England*. Being very thoughtful what to do; if he should submit to King *Stephen* and acknowledge him, then he should go contrary to the Oath he had made to his Sister; if he did not submit, he could have no opportunity of doing any thing for the advantage of his Sister and her Children. [9.] All the Noblemen had very freely submitted themselves, therefore he dissembled for a time, and did Homage to the King, upon Condition, that so long as he freely permitted him to enjoy his Dignity and Estate, he should be true to him.

In the same [1.] year, not much after the coming of the Earl the Bishops sware Fealty to the King, so long as he should preserve the Liberty and Discipline of the Church. And then he gave them a [2.] Charter, by which he obligeth himself to maintain inviolably the Liberties, Ancient Customs, Dignities, and Priviledges of the Church, and that it should enjoy all the Possessions and Tempures it had, the day his Grandfather, King *William*, died. He gave also leave to Bishops, Abbats, and other Ecclesiastical Persons to distribute and dispose of their Goods before their death: When Bishops' pricks were void, he granted, that they should be in the Custody of the Clerks, or other good Men of the Church, until it was provided of a Pastor. The Forests which his Grandfather King *William* and his Uncle King *William* had made, or held, he reserved to himself; such as his Uncle King *Henry* had made, or superadded, he restored to Church and Kingdom. All Exactions, unjust Customs, and Practices, he prohibited, and Commanded the good Laws, and ancient and just Customs should be observed. This [3.] Charter was granted at *Oxford*, in the first year of his Reign, *Anno Dom. 1136* to the observation whereof he bound himself by Oath; but, as the Historian noteth, kept it not, for he [4.] seized the Treasurie of Churches, and gave their Possessions to Laymen; He turned out

The Arch-
Bishop scrup-
pled the Co-
ronation of
Stephen, and
how he was
satisfied,
Anno Domini
1135.

[7.] *Malmsh.*
f. 101. a. n. 50.
King Henry
left a vast
Treasure;
with that Ste-
phen raised
and maintain-
ed an Army of
Strangers.
[8.] *Ibidem*,
n. 40.
Robert Earl of
Gloicester
doubtful what
to do.
[9.] *Ibid.* b.
f. 5. G. n. 10.
He took Con-
ditional Ho-
mage to King
Stephen.

[1.] *Ib.* n. 10.
A. D. 1136.
The Bishops
swore Fealty
to him upon
Conditions.
[2.] *Ibidem*,
G. n. 20, 30.
His Charter
chiefly to the
Church, and
what he
granted by it.

[3.] *Ibidem*,
n. 40.
He confirmed
his Charter by
Oath, but ne-
ver kept it.
[4.] *Ibidem*.

His usage of the Church, and Churchmen.

And Monasteries.

[6.] *Gesta Stephani*, f. 93. A. 936. D. *Salmon de Redvers* fortified Exeter Castle against him; yielded for want of Victuals. [6.] *Ibidem*, f. 937. A. B. He is driven out of the Isle of Wight, and goes to the Duke of Anjou.

* *Hen. Hunt.* f. 222. A. n. 10. The King troubles the Noblemen about their Woods and Hunting. [7.] *Ricard. Ragulstad.* Cok. 312. n. 40, 50, 60. David King of Scots invades England. King Stephen and he make Peace.

Carlisle granted to him; his Son *Henry* made Earl of Huntingdon, &c.

[8.] *Malmf.* f. 101. A. n. 50. King Stephen goes into Normandy; Earl Robert follows him.

[9.] *Ib.* f. 102. A. n. 2. King Stephen useth treacherous Practices against him. The particulars of the Treachery not expressed by the Historians. King Stephen returns out of Normandy.

the Incumbents, and sold them to others: he imprisoned Bishops, and forced them to alienate their Possessions; Abbies he gave and sold to unworthy Persons. But 'tis there said, These actions are not so much to be ascribed to him, as to such as advised, and persuaded him, never to want Money, so long as the Monasteries had it.

The first that gave him any considerable Trouble was [5.] *Baldwin de Redvers*, Earl of *D. Devonshire*, and Lord of the Isle of *Wight*; he fortified and Manned his Castle of *Exeter* against him, which the King besieged, and at last it was, for want of Victuals delivered to him; The Defendants had liberty to go whether they would, and carry what they would with them. The Earl went into the Isle of *Wight* with [6.] design to keep that against the King: but he followed him so close, that he soon drove him out there, and took it from him, and all his other Lands and Estate, and banished him; who then went to the Duke of *Anjou*, and was there received very kindly. Elated with this success, he came to Hunt at * *Brampton* near *Huntingdon*, and held Pleas concerning the Forests of his Noblemen, that is, concerning their Woods and Hunting, and broke the Vow he had made to God and the People.

This year *David* King of *Scots* [7.] entered *Northumberland*, and seized the Towns of *Carlisle*, *Werke* or *Warke*, *Alnwick*, *Norham*, and *New-Castle*, and intended to take in *Durham*, but King *Stephen* coming thither with an Army, prevented him; whereupon the two Kings appointed an Interview, and made Peace between their selves. The King of *Scots* restored *New-Castle*, *Warke*, *Norham*, and *Alnwick*, and had *Carlisle* given to him. *Stephen* also gave to *Henry* his Son, the Earldom of *Huntingdon*, which had been King *David's*, and the Town of *Doncaster*, and all that belonged to it.

In the year 1137. King *Stephen*, in the beginning [8.] of *Lent*, failed into *Normandy*; *Robert* Earl of *Gloucester*, having tried his Friends, and knowing who were faithful, followed him at *Easter*. By the Contrivance of [9.] *William de Ipre*, after he was come into *Normandy*, King *Stephen* endeavoured to intercept him by Treachery, but having notice of the practise, from one that was privy to it, he escaped, and came not to Court (though often invited) for many days afterward. The King was troubled his Design took not effect, and thought to extenuate the greatness of the fault, by confessing it; making Oath, according to a form given by the Earl, that he would never for the future consent to such wicked Contrivances. This he did, but could never be a true Friend to the Earl, whose Power he suspected. The King after he had made [1.] Peace with the King of *France*, and his Son *Eustachius* had done Homage to him for *Normandy*, and settled all things there, he returned into *England*, * leaving *William de Rolmar*, *Roger the Viscount*, and others, his Justiciaries, to manage Affairs as if he were present. In the mean while *Robert* stayed there, often thinking of the Oath he had made to his Sister, and what he ought to do for her, that he might not be noted for Perfidiousness.

[1.] *Hen. Hunt.* f. 222. A. n. 20, 30. His Son *Eustachius* doth Homage for that Dukedom. * *Order.* vii. f. 911. D. Earl *Robert* troubled about his Sister.

The

The next year, in *England*, happened many intestine [2.] Com-motions; many of the Nobility, and other Confident daring Men, demanded of the King, some Lands, others Castles, and what ever else they had a mind to; and if he delayed them in obtaining their desires, by Excuses, that he could not do it without prejudice to the Kingdom, and that such things were either claimed, or possessed by others, they forthwith fortified their Castles, or erected Places of Strength, waited the Kings Lands, and plundered his Tenents. To suppress these Defections, he suddenly marched from place to place, and used great labour and industry to no purpose, until by giving them Honours or Castles, he purchased a Counterfeit Peace. Many new Earls he made, and to support their Honours, gave them Crown Lands and Revenues. These Men were more Confident in asking, and he more Profuse in giving, by reason of the common Report through the Nation; that *Robert* Earl of *Gloucester*, intended to assist his Sister, and within some competent time, to dethrone the King, before he attempted it.

This was done presently after *Whitsunday*, by sending Messengers from *Normandy* to the King, to whom he renounced his Faith and Homage, because he had unlawfully aspired to the Kingdom. To this he was encouraged by the Answers of many Religious Men, he had Consulted in this Business, that he could neither pass this Life without Ignominy, nor be happy in the Life to come, if he neglected the Oath made to his Sister. Their Answers were the more prevalent with him, being backed with the Popes Decree, which Commanded, he ought to observe the Oath he made to his Sister, in the presence of his Father. The King deprived him of all his Possessions he could in *England*, levelled all his Castles, except that at *Bristol*, which was a great Check and impediment to the success and progress of all his Affairs.

The [3.] Report that Earl *Robert* was coming with his Sister out of *Normandy*, spread more and more about the Nation; in hopes whereof, many fell from the King, and many others which were in the Court; Upon suspicion only, he imprisoned, and by other hardships forced them to yield their Castles, and to such other Conditions as he pleased. It was noted at this time, that *Roger* Bishop of *Salisbury*, had built two [4.] famous and splendid Houses with Towers, and Turrets, after the manner of Castles, one at the *Devises* in *Wiltshire*, another at *Sherborn* in *Dorsetshire*; That he had begun to build a Castle at *Malmesbury*, and that formerly he had procured to himself the Custody of *Salisbury* Castle, from King *Henry*, and inclosed it with a Wall; and likewise, that his Nephew *Alexander* Bishop of *Lincoln* had built a Castle at *Newark*, (as he said) for the safety and Dignity of his Bishoprick. This brought upon them Envy from the Earls and Barons about the King, who told him, that the Bishops were more intent upon Erecting Castles, than their Function or Offices: and no doubt but they were built for his destruction; and that when the *Empress* came over, they would assist, and deliver them to her, as being obliged to it by the Memory of the Favours they had received from her Father; persuading him, they were to be forced to give up their Castles to him. He readily heard them, and took the first occasion, to put their Advice in Execution. Which was done after this Manner;

[2.] *Malmf.* *Hyet. Novell.* f. 102. A. n. 109, 50, 40, 50. A. D. 1138. King *Stephen* to maintain his Cause was forced to give Lands, Castles, and Honours to his Followers.

He made many new Earls, and gave them Crown Lands.

The Earl of *Gloucester* dethroned the King. He was encouraged to it by Religious Men and the Popes Decree.

[3.] *Ibidem*, b. n. 10. Anno Domini 1135. Upon the Report of Earl *Robert* coming for *England*, many forced to deliver their Castles.

[4.] *Ibidem*, n. 20. The Bishop of *Salisbury* built the Castles at *Devises*, *Malmesbury*, and *Sherborn*. The Bishop of *Lincoln* built the Castle at *Newark*. The Bishops envied. Complaints made of them to the King.

[7.] *Ibidem*,
n. 40. f.
103. d. lin. 1.
&c.

An Affray be-
tween the
servants of
the Bishops of
Salisbury and
Lincoln, and
the Servants of
the Earl of
Britanny.
The Bishops
brought be-
fore the Kings
Court.
Ordered to
deliver their
Castles to the
King.

They delay to
do it, and are
kept with
greater strict-
ness.

They deliver
their Castles.

[6.] F. 919.
D. 920. A. B.
The forego-
ing Story dif-
ferently re-
ported by Or-
dericus Vitalis.
Episcopi pel-
lex, principa-
lem munition-
em servabat.
William de Ipre
threatens to
starve the Bi-
shop of Salis-
bury, and hang
the Chancel-
lor of Eng-
land, if the
Bishop of Ely
delivered not
the Castle of
Devizes.

[7.] *Ib.* n. 10.
Hugh Arch-
Bishop of
Rouen defends
King Stephen.

At Oxford, about the 24th of June, was a [5.] Meeting of the Great Men, where were these two Bishops; (*William of Malmesbury* reports, he heard the Bishop of *Salisbury* say, he had no mind to the Journey, and undertook it with great Reluctancy, for that he could be of no use to the King) and so it happened, that the Retainers and Servants of the Bishops, and the Retainers and Servants of *Alan* Earl of *Britanny* quarrelled, about taking up Lodgings; from Words, it came to Blows, many were wounded, and one Knight killed, but the Bishops Men were superior in the Conflict. The King takes the advantage, Commanded the Bishops to be Convented, that they might satisfy his Court, for that their Men and Servants had broken the Peace; and the satisfaction was to be, the delivery of their Castles to the King, as security for their Faith. They were willing to give satisfaction: but considering whether they should yield up their Castles, he commanded they should be kept with greater strictness, lest they should make their escapes. [6.] *Roger* Bishop of *Salisbury* was carried unbound, and his Son *Roger*, the Chancellor of *England*, which he had by *Maud* of *Ramesbury* his Concubine, was carried in Fetters, before the Castle of *Devizes*, which his Nephew *Nigel* Bishop of *Ely*, (who fled from *Oxford* thither) held out against the King. The Castles of *Salisbury*, *Sherborn*, and *Malmesbury*, were delivered upon the first demand; and the *Devizes* after three days: the Bishop of *Salisbury* of his own accord, without force, resolving to fast, until it was in the Kings possession, that he might incline his Nephew to yield, who otherwise would have defended it as long as he could. His other Nephew *Alexander* Bishop of *Lincoln* purchased his Liberty by rendering his Castle speedily.

Ordericus Vitalis tells this Story otherwise; He [6.] says, *Walter* Earl of *Mellent*, and his Brother *Robert*, with *Alan* Earl of *Britanny*, sought occasion of Quarrel with the Bishops; and that after the Affray, when the Bishops *Roger* and *Alexander* were taken, the Bishop of *Ely* escaped to the Castle of *Devizes*, and fortified it, in which *Maud* of *Ramesbury*, the Bishop of *Salisbury*'s Harlot, kept the chief Place of Strength. The King hearing of this, was very angry, and sent *William* of *Ipre*, a *Flemming*, before with an Army, to take in the Castle; who carried *Roger* the Bishop, and *Roger* the Chancellor with him, and swore the Bishop should not eat until it was delivered to him; and further, erecting Gallows before the Castle Gate, threatened forthwith to Hang the Chancellor; *Maud* to redeem her Son, sent to the King, that she would surrender the Keep, or chief Place of Strength she was in, which forced the Bishop of *Ely* to give up the whole Castle, in Consideration he might have his Liberty.

This Act of the King made a great noise, [7.] *Hugh* Arch-Bishop of *Rouen*, a great Friend to, and Defender of the Cause of King *Stephen*, was of Opinion, it was but just Bishops should be deprived of their Castles, which were not built by allowance of the Canons Ecclesiastick; they ought to be Evangelists of Peace, not Architects of such Houses, that were to be Places of Retreat and Security to them for their Evil Doings. *Henry* Bishop of *Winchester*, King

Stephens

Stephens Brother, and the *Popes* Legat, affirmed, [8.] That if Bishops transgressed in any thing, they were not to be tried in the Kings Court, but to be judged by the Canons; nor to be deprived of any thing, but by a publick and Ecclesiastical Council; and forthwith commanded the King, his Brother, to be present in the Council he intended to hold at *Winchester* on the Twenty ninth day of *August*.

On that day appeared most of the Bishops of *England*, with *Theobald* Arch-Bishop of *Canterbury*; *Thurstan* Arch-Bishop of *Tork* was excused, both in respect of Health, and present Care in the Defence of the North parts against the *Scots*. The Legat first produced his Commission from the *Pope*, and then made a *Latin* Speech to the Clergy, wherein he aggravated his Brothers Fact, in that he should Command the Bishop of *Salisbury* to be taken in his Chamber at Court, and the Bishop of *Lincoln* in his Lodgings without notice; And Exhorting the Arch-Bishop and others, to consult what was needful to be done, telling them, that for the loss of his Brothers Friendship, or of his Possessions, or Head, he would not forbear to put in Execution the Decree of the Council. The King not distrusting his Cause, sent some of the Earls into the Council, to know why he was called thither; The Legat immediately answered, That he who was guilty of such a Crime, as that Age never saw, knowing himself to be a Christian, ought not to take it haughtily, if he was called by the Ministers of Christ to make satisfaction. They might therefore tell his Brother, that if he would take his Advice, by the help of God, it should be such, as neither, the *Roman* Church, the Court of *France*, or their Brother Earl *Theobald*, (a Pious and Religious Man) would find fault with; which was, That he should do wisely, either presently to give a Reason of this Action, or submit to the Judgment of the Canons. The Earls when they had heard what was said, went out, and not long after returned again. [9.] *Alberic* de *Ver*, a Man much Exercised in Law Controversies, accompanied them, and carried the Kings Answer.

This great Lawyer in [1.] Defence of the King, and against the Bishops, urged, That the Bishop of *Salisbury* had been very injurious to him, That he very seldom came at Court; also, That his Men, or Retainers, presuming upon his Power, moved Sedition: who as well at other times, as lately at *Oxford*, had done violence to the Men, or Followers of the Nephew of Earl * *Alan*, and likewise to the Men of *Hervey* of *Lyons*, who was of such Nobility and Spirit, that though King *Henry* had often Requested him, yet he would never vouchsafe to come into *England*. The Affront, he said, reflected upon King *Stephen*, for the love of whom he came over. Further, he accused the Bishop of *Salisbury*, That he privately favoured the Kings Enemies, which appeared to him in many Instances, but most especially in that, when *Roger Mortemer*, with the Kings Troops which he commanded, fled for fear of those belonging to *Bristol*, he would not permit them to Quarter one Night in *Malmesbury*; That it was general Discourse, that he with his Nephews and Castles, as soon as the *Empress* should arrive, would declare for her. He added, That he was taken not as a Bishop, but as the Kings Servant, that had transacted the Kings Business, and received

[8.] *Ibidem*,
G. n. 10. f. 10.
10. 52.
The Bishop of
Winchester,
and *Popes* Le-
gat, com-
manded the
King to appear
in a Council
of Bishops, &c.

A Council of
Bishops at
Winchester.

The *Popes*
Legat aggra-
vates King
Stephens sup-
posed fault &c.

And was r-fo-
lute against
him.

[9.] *Ibidem*,
b. lin. 6.
Rex Comitem
Albericum de
Ver ad Corol-
um missi, &c.
Paris. f. 77.
n. 50.
[1.] *Ibidem*,
n. 10. 10.
Alberic de
Ver's Defence
of the King,
and Accusati-
on of the
Bishops.
* Earl of *Brit-
tany* and
Richmond.

received Wages for so doing; That the Cattle were not taken from them, but they freely rendered them to escape the Accusation and Danger of the Tumult they had raised in the Court. That the small Sums of Money which were found in the Castles, did lawfully belong to the King, for that in the time of his Uncle King Henry, his Predecessor, the Bishop * had taken them from the Revenue of the Exchequer. That he willingly parted with them, and the Castles, as a Composition for the Crimes he had committed; And of this (he told the Council) the King wanted not Witnesses; and therefore he advised, the Composition between him and the Bishops might remain firm. The Bishop of Lincoln was only accused of an old grudge he bare to Earl Alan, and was therefore made the Author of the Tumultuous Actions, and Violence committed by his Followers.

The Bishop of Salisbury [2.] Replied, he never was the Kings Servant, nor had received his Wages: and threatened, that if he could not find Justice in that Council, he would seek it in a greater Court. The Legat said it ought to be enquired, whether all those things, of which the Bishops were accused in that Council, were true, before they could be sentenced. And therefore, according to the practise in Secular Courts, the King should revest them in their Possessions, (alioqui jure gentium * dissasari, non placitabant) otherwise remaining disseised, by the Law of Nations they shall not Plead. Much having been said on both sides, at the Kings Request, the Cause was adjourned unto the next day, and to the next after that, until the Arch-Bishop of Rothen came; who granted, the Bishops should have Castles, if they could prove by the Canons, they ought of Right to have them; And he it so (saith he) that they may have Right, yet certainly, the Times being suspicious, all the great Men, according to the usage of other Nations, ought to permit their Places of Strength to the Kings pleasure, who is to defend them all. Alberic de Ver added, That if they presumed to send any of the Bishops or other Persons out of England, to appeal at Rome, contrary to his Will, and the Dignity of the Kingdom, their Return would be very difficult. By this they [3.] understood the King would not endure the Censure of the Canons, and therefore the Bishops thought it was best to forbear Pronouncing it, for two Reasons; First, That it would be a rash thing to Excommunicate a Prince, without the knowledge of the Pope; Secondly, Because they saw some of the Military Men draw out, and brandish their Blades; and so they parted; and this Council was dissolved on the first of September. Yet the Legat and Arch-Bishop, according to their Duty, threw themselves at the Kings Feet in his Chamber, beseeching him to be Merciful to the Church and his own Soul, and to consult his Reputation, so as he might not suffer a Breach to be made, between the * Secular and Ecclesiastick Governments.

On the Thirtieth of the same [4.] September, Robert Earl of Gloucester, with his Sister the Empress, and only 140 Knights, or Horsemen, (which the Historian says, he had from very true Testimony) landed at Arundel in Sussex; where did at that time reside in the Castle Adeliza, her Mother in Law, who had received it, and the [5.] County of Sussex in Dower, from King Henry the First, whose Widow she was, but then Married to William de Albini.

The

The Earl left his Sister at Arundel Castle, under the Protection of her Mother in Law, who had often sent for her by special [6.] Messengers, and with twelve Knights only, or Men at Arms, went towards Bristol. The King came presently before Arundel, and [7.] besieged it; Her Mother in Law (whether it were because she came over with so small Force, or whether it were for the not resorting of the great Men to her) (most of which, [8.] either opposed, or did not assist her, except some few that kept the Faith they had sworn to her) soon grew weary of her, so that she desired, and obtained leave of King Stephen, under the Conduct of Henry Bishop of Winchester, and Waleran Earl of Mellent, to go to Bristol to her Brother, who with some Troops met her at the place appointed by the King, and conveyed her thither; but soon after he sent her to Gloucester, to remain under the Guard and Defence of * Mili, to whom he had, in the life of King Henry, committed the Custody of that Castle, having done Homage, and sworn Fealty to him for it.

When the arrival of the Empress in England was certainly known, several Towns, Castles, and Men of Note revolted, and did Homage to her as their Queen, after her coming to Bristol. [9.] Geoffrey Talbot, with the City of Hereford, declared for her, - Paganell, and the Town and Castle of Ludlow, and a great part of Wales. William Moissin, and Dunster Castle, Ralph Luvel, and Castle-Cary, William Fitz-John, and the Castle of Harpetre, all in Somersetshire; Robert the Son of Alured of Lincoln, and Warham Castle and Town, all submitted to her, and William Fitz-Alan with the Town of Shrewsbury: which he quitted, when the King came against it, and left a Deputy in it, who made Oath to him to defend it; In few days he took the Town and Castle, and Hanged some of the Prisoners, which had such effect upon Walchelm Maminot, the Governor of Dover Castle, which the Queen then besieged, that so soon as he heard it, he yielded it to her. The King marched with his Army from place to place, and Castle to Castle, endeavouring to take them in, but where he had no hopes of doing it, he built an Anti-Castle or Fortrefs commonly before the Gate, at a small distance, either to keep them in, and so starve them, or to prevent their going out in great Parties into the Country, and so in a great measure preserve that from Plundering.

While King Stephen was thus employed, [1.] David King of Scots with a great Army invaded Northumberland, and the North Parts; By the Direction and Advice of Thurstan Arch-Bishop of York, and Walter de Espec, a powerful Baron of Northumberland. A great Standard, in form of a Dragon was fixed at Alverton, (now North-Alverton in Yorkshire) to which the Forces and Volunteers of those parts resorted, which were raised by the Industry, Diligence, and great Pains of the two Persons last named, with their Friends. A great accession of Force they had from William Earl of Albemarle, William Peverel of Nottingham, Roger de Molbraio, or Moubray, and Albert Lacy. These with Walter de Espec, under the Earl of Albemarle, were the great Commanders; The English kept close to their Standard, the Scots charged them furiously, and were received, and beaten back, and then charged by the English with great Courage and

The Earl goes toward Bristol. [6.] Malmib. ut supra. [7.] Hen. Hunt. f. 223. d. n. 40. [8.] Malmib. ut supra. Adeliza the Empress Mother in Law grows weary of her, and the prevails with King Stephen to suffer her to go to Bristol. * This Mili is sometimes called, Adilo de Gloucester, Comes Constabularius, & Regis Constabularius; and so he was until he revolted from him, Cont. of Flor. Wigorn. f. 673. Several Towns and Castles revolt to the Empress. [9.] Malmib. f. 104. d. n. 40. 50. Hen. Hunt. f. 223. d. n. 10 Chron. Norm. f. 977. A. B. Shrewsbury Town and Castle taken, some of the Defendants Hanged. The Governor of Dover affrighted, with that Example, yields the Castle.

[1.] Hen. Hunt. ibid. b. n. 10, 20. &c. Chron. Norm. ut supra David King of Scots invaded England, on behalf of his Niece the Empress.

* He was then Treasurer, and what ever he asked of King Stephen Lands, Castles, &c. he denied him nothing.

[s.] Ibidem, n. 30, 40, 50. The Bishop of Salisbury threatens to Appeal to Rome.

* See Preface to the Norman Story, f. 170. C. D.

The Arch-Bishop of Rothen defends the King, and battles the Bishops.

Alberic de Ver rebukes them for their design of Appeal to the Pope. [3.] Ibid. f. 104. a. lin. 22. The Bishops forbear to Censure the King according to the Canons, and why. The Legat and Arch-Bishop cast themselves at the Kings Feet, to persuade him, &c.

* Inter Regnum & sacerdotium. [4.] Ibidem, n. 10, 20, 30. A. D. 1139. Earl Robert and his Sister land at Arundel.

[5.] M. Parli. f. 77. n. 40.

This Army
Routed.
The famous
Battle of the
Standard.

The War in
England be-
tween Maud
the Empress
and King Ste-
phen managed
with great
Rapine and
Barbarity.
[1.] *Contis.*
f. 671. 73.
A. D. 1135.
Worcester
burnt and
taken.

By these
words it ap-
pears the
Monk was
then present.

The Rapine
of the Sol-
diers.

a.
[3.] *Ibidem*,
f. 673.
The Earl
Worcester re-
venge for the
destruction of
that City.
The Earl of
Worcester who
he was.
[5.] *Dugd.*
Baron. Tom. 1.
f. 115. col. 1.
Hen. Hunt. f.
126. A. N. 501.

and Resolution, whereupon they fled, and the English obtained a compleat Victory, killing 10, or 12000 upon the place. This was the famous Battle of the *Standard*, largely described by *Richard Prior of Hagustald*, and of which *Ailred Abbat of Rievall* hath written a particular Tract.

Hence forward, during all of this Kings Reign, in most of the Historians, we read of nothing almost, but Fire and Sword, Blood and Slaughter, Rapine, Plunder, and Captivity; One full Instance whereof, I will give you from an Eye-Witness, the *Continuer of the Chronicle of Florence of Worcester*.

The [2.] Clergy and Citizens of *Worcester* had often received King *Stephen* with great Joy and Kindness: They were told that their Enemies from *Gloucester* would suddenly come and Burn, Waite, and Plunder their City; They were much terrified at the Report, and Consult what to do. The Result was, *They should betake themselves to the Protection of Christ, and his Blessed Mother: commit themselves to the Tutition of St. Oswald and Alstan, sometimes Bishops of that City. Those that were present might see all the Citizens Goods carried into the Cathedral. There was scarce room in the Monastery for the Clergy; All the Hangings and Ornaments of the Church and Altars were taken down, and laid aside; The Clergy sang within the Church, the Mothers and Children cried, and lamented without. On the Seventh of November, (on which day began a great Frost) the City of Gloucester came with a great Army of Horse and Foot, to take, spoil, and burn the City of Worcester. Nos autem (saith the Monk) timentes Ornamentis Sanauarri, benignissimi Patroni nostri Oswald, reliquias, Albis induiti iota sonante Classe, &c. But we fearing the Ornaments of the Sanctuary carried abroad in our Surplices, the Reliques of our most benigne Patron Oswald, with humble Procession, the whole Quire and Company singing aloud, and walking with them, in the Church-yard, from one Gate to another, to the terror of our Enemies, who attacked a strong Fortrefs on the South side of the City, and were beaten off: from thence they go and assault the North side, where they enter, and fire it in many places, and burn a good part of the City, but the greater part stood. They had a very great Prey of the Citizens Goods, and of Oxen, Sheep, Cows, and young Cattle, and Horses in the Country; They took very many in the Lanes and Streets, and coupled them together like Dogs, and carried them away; and had they, or had they not wherewithall to pay the Price put upon them, they were compelled to pay such Ransom, as by Oath they had promised.*

On the Thirtieth of [3.] November, * the Earl of Worcester came to the City, and when he saw how it was burnt, was much grieved; and perceiving what injury he had received, gathered together some Forces, and went to *Sudley* in Gloucestershire to be revenged

(a) The Earl of Worcester was *Waleran* Earl of *Mellent*, now *Meulan*, seated upon the River *Seyn* in *Normandy*; [5] he was made so by King *Stephen*, and *William de Belle Campo* or *Beauchamp* of *Elmly Castle* in that County, turned out, who was Hereditary Castellan at Worcester, and Sheriff of the County by *Emelin* his Mother, Daughter and Heir of *Urs* de *Abetot*.

upon

upon * *John Fitz-Harold*, who had deserted the King, and gone over to the Earl. There he stayed two days, and rendered Evil for Evil: bringing many Men with their Goods and live Cattle to Worcester. Not long after the King came from *Oxford* to Worcester, with a great Army, and saw what had been reported concerning the destruction of it; From thence he went to *Oxford* again, and from thence to *Salisbury*, where he kept his *Christmas*.

After that Solemnity, he came to [4.] *Reding*, and there lay a while; and Recruited his Army, and marched toward the Isle of *Ely*: the Bishop whereof he always suspected; there he found some Resistance; but the Bishop seeing he could not defend it, against the force of the Army, fled to *Gloucester* to the Earl. The King placed a Garrison in the Isle, and returned to Worcester with the Earl thereof, and a very great Army, with which he went to reduce *Hereford*. In the mean while he remained before that place, * the Earl mindful of the Injuries his Citizens had received, with a great Multitude of Armed Men, set upon *Tewksbury*, and burnt the Magnificent House of *Robert* Earl of Gloucester, and all things round about, with the Houses of others, and their Goods, within a Mile of that City; He spared only the Goods of the Church of *Tewksbury*, being overcome with the importunity of the Abbat and Friars. The Spoils taken were great, as well of Men, as of Goods, and Beasts; but after a while, such as were led Captive, were unbound, and had liberty to go home. The Earl the next day, when he returned to Worcester, protested to all Men, That he neither in *Normandy*, or *England*, had burnt more Places and Houses at one time.

This was the way in *Normandy*, and from thence brought hither: If any Earl or great Man found himself aggrieved by another, in Judgment, or highly affronted, they frequently got together all their Men at Arms, or Knights that held of them, their other Tenents, and poor Dependents, and as much Assistance from their Friends and Confederates as they could, and burnt one anothers Castles or Houses, destroyed their Lands, and small Territories, and carried away the Inhabitants Prisoners. These were private Hostilities, and Revenges between Man and Man; but if there was a Title in the Case, and siding, one, for one Pretender, another, for another, they invaded one another after this manner, with more assurance and confidence, under the Notion of a Publick War, and asserting the Right of that side they struck in withall, and were almost constantly encouraged, rather than checked by the Pretender: The *Norman* Histories abound with these Stories; See *Ordericus Vitalis* in the Lives of *Rufus*, *Henry* the First, and this King *Stephen* especially, wherein these inhumane Ravages were as frequent, and more barbarous than in *England*, for many years, until *Geofry* Duke of *Anjou*, obtained *Normandy*, which was the Inheritance of his Wife

(b) He was Son to *Harold*, who was Son [6.] to *Ralph* Earl of *Hereford*, in *Edward* the Confessors time; which *Harold* is to be found in *Domesday-Book* in Gloucester, and *Warwick-shires*, noted thus, *Heraldis filius Comitiss Radulfi*. *Ralph's* Father was *Walter de Maudslay*, now *Mant*, in or near *Normandy*, who Married *Goda*, King *Edward's* Sister, and was a *Norman* or *Frenchman*. This *John Fitz-Harold* had the Seat of his Barony at *Ludley Castle* in Gloucestershire, from whence he was sometimes called *John de Ludlegh*.

O O

Maud

b.
Sis. Soldiers
Rapine.

[4.] *Ibidem*,
f. 674. An.
Dom. 1140.

The title of
Ely taken by
King Stephen.

* See all these
Practises af-
firmed by *Wil-
liam of Malm-
sbury*, f. 105. A.
N. 10. 20.
The Earl of
Worcesters fur-
ther Revenge,
he burns *Tewk-
sbury*, and re-
turns to Wor-
cester with
great Spoils.

This way of
Burning and
Rapine
brought out
of *Normandy*.
The manner
how the *Nor-
mans* executed
their private
Revenge was
one upon another.

[6.] *Ibid.* f.
21. col. 2. f.
428. col. 2.
Flor. Wig. f.
619. Anno
Dom. 1055.
John Fitz-
Harold who
he was.

[7.] F. 672.

The Soldiers
sold their Pri-
soners, and
put them to
Ransom.[8.] Camden.
Britan. f. 199,
100.[9.] Malmsb.
f. 105. b. n.
10, 10.
A Treaty of
Peace pro-
posed by the
Legat.[1.] Ibidem.
It ended
without suc-
cess.Proposals of-
fered to them
by the Legat,
the Empress
accepts, the
King refuse
them.[1.] Ord. Vit.
f. 921. A. B.
[3.] F. 105. A
n. 30. An. Do.
1141, 1142.
Lincoln Castle
surprized by
the Earl of
Chester.The King be-
sieged it.The Earl of
Chester makes
his escape, and
solicits As-
sistance from
the Empress,
and Earl of
Gloucester.[4.] Ord. Vit.
f. 921. C. D.
f. 921. A. B.
The Earl of
Chester ob-
tains As-
sistance.

Made the Empress, as well as the Crown of England. The Readers may wonder, what they did with their Prisoners and Captives? This Author, *The Continuer of Flor. of Worcester*, [7.] will resolve them; *Militibus in stipendium dantur, & venduntur vicorum & vulgarum Cultores, atque habitatores, cum rebus suis universis, ac substantiis*. Such as Manured and Cultivated Towns and Villages, and the Inhabitants thereof, were given to the Soldiers as their Wages, and were sold with their Goods and Substance. In this Kings Reign, there were in England [8.] so many Tyrants, as there were Lords of Castles; every one pretending to Coyn Money, and to exercise the Rights of Majesty. The King had with him, very many *Flemmings* and *Britains*, who were accustomed to live by Plundering, that came to England in expectation of great Booty.

Presently after [9.] *Whitsunday* this year, by the Mediation of the Legat, there was a Treaty of Peace in a Plain near *Bath*; The Commissioners for the Empress were *Robert* Earl of *Gloucester*, and others; for the King, his Brother the Legat, the Arch-Bishop of *Canterbury*, *Theobald*, and the Queen; The Empress was inclinable to Peace, but the King, by the Advice of those about him, averfe to it, so as this Treaty soon ended without effect. [1.] Toward the later end of *September*, the Legat went over into *France*, to Confer with the King, and *Theobald* Earl of *Blain*, (King *Stephens* elder Brother) about the Differences in *England*; and how they might be Composed. He returned about the end of *November*, and brought with him such Proposals for Peace, as the Empress and Earl assented to, but the King delayed his Answer from day to day, and at last refused them.

In the [2.] year 1141. according to [3.] *Malmsbury* 1142. *Ranulph* Earl of *Chester*, who had Married the Daughter of Earl *Robert*, and his Brother by the Mother, *William de Rosmar*, or *Ranmara*, surprized the Castle of *Lincoln*; The Citizens, who much favoured the King, sent to let him know, that both the Earls were very secure in the Castle, and thought not of his coming: that they might easily be taken, and that they would assist him in taking of them. The King makes haste, and invests the Castle in *Christmas*-Holidays; The Citizens hearing of his coming, seized seventeen Men at Arms, that were out of the Castle, in the City, and made them Prisoners. The Earl of *Chester*, in the Night, gets out of the Castle, goes into his own Country to raise Friends there, and *Welsh*; He further applied himself to his Father in Law, (being very solicitous for the safety of his Brother, and both their Wives, which he left in the Castle) and to the Empress, promising her all future fidelity, and begged their Assistance.

The Earl of [4.] *Gloucester* takes hold of the occasion, joyns the Forces he had, and others he immediately raised, with those of his Son in Law, and marched toward *Lincoln*; Upon his approach, the King marched towards him in Battalia, his Army consisting of a Main Body, and two Wings; He Commanded the Main Body himself: one of the Wings consisted of *Flemmings*, which *William de Ipre* Commanded, and of *Britains*, which Earl *Alan* Commanded: The other was Commanded by *Wateran* Earl of *Mellent*; There were

A

B

C

D

E

F

also

also in this Army *William de Warenn*, *Gilbert de Clare*, and *Baldwin, Fitz-Orse*, *Engelran Saye*, and *Ilbert Lacy*. The Earls Army was drawn up in the same manner; *Robert* Earl of *Gloucester* led on the Main Body, the Earl of *Chester* one Wing, and the two Brothers *Mariadoc* and *Kalader* the *Welsh*, which made the other Wing. The *Welsh* charged the *Flemmings* and *Britains*, and soon routed them; The Earl of *Chester* charged the Earl of *Mellent*, who fled presently; King *Stephen* shewed his Personal Courage in this Battle, he fought bravely and stoutly against the Earl of *Gloucester*, until he was deserted by all his Horse, when he yielded himself to him. *Baldwin de Clare*, *Richard Fitz-Orse*, *Engelran de Saia*, and *Ilbert Lacy* staid by the King, and fought valiantly so long as they were able. After the Battle, the Earls Army miserably wasted the City, and required the Citizens for their kindness to King *Stephen*, by killing very many of them.

The Battle
of *Lincoln*.The Kings
Army routed.His Personal
Courage.
He is taken
Prisoner.The City
plundered,
and many Ci-
tizens killed.

The [5.] Earl presented the King to his Sister, then at *Gloucester*, from whence, for more security, he was carried to *Bristol*, where he was Honourably used, until by the instigation of some, who affirmed, that he had been several times out of the places appointed for his safe Custody, especially in the night, by the Connivance of his Keepers, and therefore was put in Irons. The Empress and Earl [6.] with great importunity, by Messengers, moved the Legat, that she might be received to the Government, as the Daughter of King *Henry*, to whom all *England* and *Normandy* had sworn Fidelity. On the third Sunday in *Lent*, they came to a Conference in an open Plain by *Winchester*. The Queen swore to the Bishop, he should Order and Direct all the great Business in *England*, and should dispose of all Bishops and Abbies, if he would keep perpetual Fidelity to her, and with Holy Church receive her as Queen. The Earl of *Gloucester*, *Brian Fitz-Count* * *Marquess of Wallingford*, and *Milo* of *Gloucester*, afterwards Earl of *Hereford*, and some others, did together with her swear the same things. The Bishop then acknowledged her Queen of *England*, and some of his Friends with him, made Oath to her, That so long as she should make good what she had promised him, he should be faithful to her. The next day she was received into the City of *Winchester*, and the Cathedral, with a Noble Procession; The Legat led her into the Church by the Right Hand, and the Bishop of *St. Davids* by the left. There were many Bishops, Abbats, Barons, and Knights present. [7.] The Legat Cursed those which Cursed her, and Blessed those which Blessed her; Those which were Obedient to her Commands, he Absolved: such as were not, he Excommunicated. From *Winchester* she went with the Court to *Wilton*, where came to her *Theobald* the Arch-Bishop, and made his Recognition of her as Queen; Here she kept her *Easter*, and there was a mighty affluence of People.

[5.] Malms.
f. 106. a. n. 40.
He is impris-
oned at *Glou-
cester*, and
put in Irons.[6.] Ib. n. 50.
& b. n. 10, 20.A Treaty be-
tween the
Empress and
Legat in an
open Plain.
Her Oath to
him.* *Marchio de
Wallingford*;
He was Con-
stable of *Wal-
lingford*
Castle.
The Legat ac-
knowledged
her Queen,
He's Oath to
her.[7.] Contin.
for *Worcester*.
f. 676.[8.] Malms.
supra, n. 30,
40, 50, f. 106.
a. 114. 1. 1. 1. 1.
The Monk of
Malmsbury
says, he was
present in this
Council, and
gave great at-
tention to
what was
done.

On the Ninth of [8.] *April*, there was a Council of all the Bishops of *England*, and many Abbats at *Winchester*, in which the Legat presided, notwithstanding the Arch-Bishop of *Canterbury* was there. The Legat had private Conference with the Bishops apart, with the Abbats apart, and with the Arch-Deacons apart. The next day he makes a Speech to them all; Setting forth the cause of their meeting, was to Consult of the Peace of the Country: tells them

of

The Legats
Speech to the
Bishops.

He accuseth
his Brother
King Stephen
of many
Crimes.

He declares
the power of
Electing Kings
to be in the
Clergy.

They elect
Maud the
Empress
Queen.

[9.] Ibidem,
n. 10.
The Londoners
present in this
Council.

Not as Mem-
bers, but Pe-
titioners to it.

The Legats
Answer to the Pe-
tition.

[1.] Ibidem,
n. 20.
King Stephens
Queen moves
for the Council
for her Hus-
bands Release.

of the flourishing estate of the Kingdom, in the Reign of King Henry, That many years before his death, he had received an Oath of England and Normandy, for the Succession of his Daughter and her Issue; That she being in Normandy at the time of his death, delayed to come into England; for the Peace of the Country, his Brother was permitted to Reign. He says further, That though he made himself a Pledge between God and him, that he should Honour and Exalt Holy Church, maintain the good Laws, and abrogate the Evil: yet it grieved him to remember, and he was ashamed to speak how he had behaved himself in the Kingdom: the Peace of it was destroyed, and no Punishment inflicted upon Evil Doers; Bishops were imprisoned, and forced to deliver up their Possessions; Abbies were sold, and Churches robbed; The Council of all Men took place, and the Advice of good Men was despised. That he had Convented him before a Council of Bishops, and got nothing but hatred for it; He ought indeed to love his Mortal Brother, but much more the Cause of his Immortal Father; and therefore seeing God had exercised his Judgment upon him, to let him fall into the hands of powerful Men, lest the Kingdom might be ruined for want of a Governor, I have called you all hither by my Legantine Power; yesterday the Cause was propounded in private, to the greatest part of the Clergy of England, to whom of right it belongs to Elect and Ordain a King; and therefore, after having (as it meet) invoked the Divine Assistance, we Elect Maud, the Daughter of the Peaceable, Glorious, Rich, and in our time, incomparable King, Queen of England; and to her we promise our Faith, and Defence of her Person and Government.

All that were [9.] present either assented to what he said, or by their silence seemed not to contradict it. The Legat adds; We have summoned the Londoners, (who in respect of the greatness of their City, may be compared with the great Men of England) and sent them a safe Conduitt; and that he hoped they would not stay beyond the next day: and therefore they would expect them. The Londoners came accordingly, and were brought into the Council; and said they were sent from the Community of London, (as it was called) That they came not to make Debate and Contention, but to Petition, that their Lord the King might be delivered out of Prison; and the same did all the Barons which had been lately received into that Community earnestly desire, of the Legat, the Arch-Bishop, and all the Clergy present. The Legat answered at large, and with a Grace, That it became not the Londoners, who were esteemed as Noblemen in England, to side with such, as had forsaken their Lord in Battle, who by their Advice had made Holy Church Contemptible; That they favoured the Londoners, but for their own advantage.

There stood up one whose [1.] name was Christian, a Chaplain to King Stephen's Queen, and offered a Letter from her to the Legat, which, when he had read, would not Communicate it to the Assembly; The Chaplain, with great Confidence, read it himself: The Sum whereof, was, That she earnestly intreated all the Clergy, and by name, the Bishop of Winchester, her Lords Brother, to restore him to the Kingdom, whom wicked Men, his Feudatories, had cast into Prison.

To

To this the Legat gave such an [2.] Answer as he had before given to the Londoners; who consulting together, said, They would Communicate the Decree and Resolution of the Council to their fellow Citizens, and comply with it as far as they could.

This done, [3.] many of the Kings Party were Excommunicated, by name William Martel, who had been his Butler, and was then his Steward, whose Advice the King had followed in many things; and so this Council was Dissolved, which lasted only three days: For the first meeting was [4.] Feria secunda post Octavas Pasche, which was Wednesday in the Week after Easter-week, and it ended [5.] Feria quinta, of the same Week, which was Friday.

From Wilton the [6.] Empress went to Reding, where resorted to her a great Confluence of People; Robert D'oyley came thither, and offered her the Castle of Oxford: She went thither, and received the Homage of that City, and the Country round about. From thence she went to the Monastery of St. Albans, where many Citizens of London met her, and Treated about delivering the City to her: To which place she came, thinking her self secure, with a great Company of Bishops and Barons. At Westminster she was received with a stately Procession, and staid there some days to give Directions and Orders about the State of the Kingdom; and first of all provided for the welfare of the Church.

This Matter being over, King Stephens [7.] Wife solicited the Empress for her Husbands Liberty: She was also solicited by many of the Prime Men of England, that upon Hostages given, and Castles delivered up to her pleasure, the King might be released, and restored to his Liberty, not to his Kingdom; They undertaking to persuade him, to quit his pretence to the Kingdom, and to devote himself to the Service of God, either as a Monk or Pilgrim. This she would not grant. The Bishop of Winchester solicited her, to give the [8.] Earldoms which were his Brothers, viz. Bologn, and Mortaign, or Mortaign in Normandy, to his Son Eustachius. This she likewise denied. Then the Londoners moved her, they might live under St. Edwards Laws, which were the best, and not under her Father, King Henry's, which were grievous. But she, not being well advised, consented not to their demands.

For this her Rigidness, (as was pretended) the Londoners [9.] Conspired against her, and intended to seize her privately; but the having notice of it, fled suddenly, leaving all her Goods behind her. The Legat seeing this, cast about, how he should deliver his Brother; and that he might do it effectually, he applied himself to the Londoners, who, the Monk of Salisbury [1.] says, were always suspected, and never Cordial in the Reception of the Empress, and only complied, until they had an opportunity to shew themselves.

Having this advantage, the Legat went to his Brothers Wife [2.] at Guildford, to discourse with her about his Design; She with Tears and Promises, that her Husband should make satisfaction for his former deportment, urged him forward. He, without the Advice

[2.] Ibid. n. 30.
The Legats
Answer to the
Queens Re-
quest.
The Londoners
Answer to the
Council.
[3.] Ibidem.
King Stephens
Friends Ex-
communicated.
[4.] Ibidem,
fol. 105, b. n.
20.
The Council
lasted but three
days.
[5.] Ibid. f. 106.
a. n. 30.
[6.] Cont. of
Flor. of Worcester,
fol. 566.
Oxford Castle
delivered to the
Empress.
She comes to
St. Albans,
and so to
London.
And gives Or-
ders for the
Government
of the Na-
tion.
[7.] Ibidem,
f. 677.
The Empress
solicited for
the Liberty
of King Ste-
phen, and
other things,
which she de-
nied, as the
Laws of King
Edward.
[8.] Ibid. f. 106.
b. n. 10.
And the Ear-
ldoms of Bo-
logn and Mor-
taign to be se-
cured upon Eu-
stachius, King
Stephens Son.
[9.] Cont. of
Flor. f. 677.
The Londoners
conspire a-
gainst her, and
intended to
take her pri-
vately.
[1.] Ut supra,
a. n. 30.
[2.] Malmf.
ut supra.
The Legat
contrives how
to set his Bro-
ther at Li-
berty.

He absolves his Friends, And publisheth his Complaints against the Empress.

vice of the Bishops, absolves all those of his Brothers Party, which he had Excommunicated in the Council, and published through England his Complaints against the Empress: That she would have taken and imprisoned him: That what ever she had Sworn to observe signified nothing: That the Barons had performed their Oaths to her, but she had violated hers, and knew not, with moderation, how to use the things she had acquired.

[3.] Com of Flor. of Wor. fol. 677. The Empress goes to Oxford, &c. Milo of Gloucester made Earl of Hereford. His great Kindness and Beneficence to her.

The Earl of Gloucester goes to Treat with the Legat.

[4.] Malmib. in sup. n. 20. He is no Friend to the Cause of the Empress.

[5.] Ib. n. 20, 40, 50. Com. of Flor. in sup. She marcheth with an Army to Winchester. Exomparabo. The principal Adherents to the Empress. The Bishop of Winchester and Legat sends for the Londoners. Winchester blocked up and fired.

[6.] Malmib. f. 108. a. n. 10, 20, 30. Earl Roberts sends the Empress from Winchester. He is taken Prisoner.

The Empress when she left London in such haste, went through [3.] Oxford to Gloucester, and by the Advice of Milo, her constant Friend, and faithful Subject, she presently returned to Oxford again, and staid there until her dispersed Troops came thither to her. At this time she made Milo of Gloucester Earl of Hereford, in Remuneration of his Services; He was not only a just, faithful, and courageous Counsellor, but, next to her Brother, was her chief support: for from him, and at his sole Charge, she had received all her Diet, from her first coming to Gloucester, which was then above two years. Our Historian says, he heard this from his own Mouth.

The Earl of Gloucester in the mean time, [4.] went with a few Followers to Winchester, to try if he could compose these Commotions by Discourse with the Legat, but returned to Oxford (where his Sister had then fixed her Residence) without success. She, by her Brothers Relation, finding the Legat had no kindness for, or inclination to her Cause, marched to [5.] Winchester, with such an Army as she could get together, and was without difficulty received into the Royal Castle there: and sent for the Bishop to come to her without delay. He thinking it not safe, eluded the Messengers with an ambiguous Answer, That he would prepare himself. And immediately sent for all he knew favoured King Stephen; Most of the Earls of England came to him, who were young, light Men, such as the King advanced. With the Empress were David King of Scots, Robert Earl of Gloucester, Milo, then of Hereford, and a few Barons; Ranulph Earl of Chester came slowly towards her, and to no purpose, as it appeared in the Issue. The Legat had likewise sent to the Londoners, who came in great numbers, and by their assistance the City was blocked up, all Passages to it being so guarded, that Victuals and Necessaries could not be brought into it without difficulty and danger. While they were thus streightened without, Fire was thrown from the Bishops Tower upon the Citizens Houses, because they were more inclined to the Empress, than to him; This Fire took hold of a Nunnery within the City, and burnt it down, and of the Abby called Hide without the City, and burnt that down; William of Ipre burnt also the Nunnery of Warvell, which was six Miles from Winchester.

The City being thus, as it were, besieged, [6.] the Earl prepared for their departure, and sent his Sister before, with the greatest part of the Army, and best Troops; Marching in great order, he followed some time after with a few, but such as feared not many. The Earls immediately follow him, and while he thought it a dishonour to fly, he was set upon by all of them, and taken; The rest, the Noblemen especially, with great speed kept on their Journey, and escaped to the Castle of Devizes. So they left Winchester on the day

of the Exaltation of Holy Cross, having come thither some few days before the Assumption of the Blessed Virgin. The Earl was sent Prisoner to Rochester, and attacked both by large Promises, Persuasion, and Threats, to leave his Sisters Cause, but nothing could prevail with him to desert her; At last the King and he were Released, and Exchanged upon even Terms, and left to pursue their several Interests. Several Propositions for both their Liberties had been made and discoursed of, from the day the Earl was taken, until All-Saints, at which time the Exchange was agreed to on both sides. After they were free the King came to Winchester, and the Earl went to his Sister at Oxford, the place of her constant Residence.

The Legat proceeds in his Design to ruine the Empress, and by his Legantine Power [7.] calls a Council to meet eight days after St. Andrew at Westminster. The Popes Letters to him are openly read, in which he is blamed that he did not more strenuously endeavour to release his Brother, and exhorted to use all Power, both Ecclesiastical and Secular to do it.

The King [8.] came into the Council, and complained that his Vassals or Feudatories, to whom he had never denied Justice, had imprisoned, and reproachfully used him to his great Affliction. The Legat by his Rhetoric endeavours to free his Invidious Actions from Censure, pretending he received the Empress by Compulsion and Necessity, not with Favour or good Will: for presently after the Kings Army was routed, when the Lords either fled, or expected what would be the event of things, she with her Assistants came to Winchester, and what Bargain she made there, or Promises to preserve the Rights of the Church, she obstinately broke them all. Besides, he said, That she and her Friends had contrived not only to deprive him of his Dignity, but his Life, but God in his Mercy had beyond her hope, so ordered things, that he escaped Destruction, and his Brother was freed from his Bonds; and therefore Commanded them on the behalf of God and the Pope, that they should aid the King with their utmost Power, who was Anointed by the Will of the People, and Assent of the Apostolick See; and to Excommunicate all Perturbers of the Peace, that favoured the Dutchess of Anjou.

The Historian says he was not present in this Council, and therefore [9.] could not say so exactly what was done in it, as in the former, but he thought the Legats words [1.] were not grateful to all the Clergy, yet none contradicted, and all for fear or Reverence kept silent; only one Lay-Messenger from the Empress, forbade the Legat to act any thing in that Council contrary to her Honour, by the Faith he had engaged to her; That he had given his Faith to the Empress, not to assist his Brother; That she came into England by his invitation; That she had taken the King, and kept him Prisoner, by his Connivance. This the Messenger said and much more with great Briskness, but could not move the Legat to Anger, or to make Answer.

From the time of this Council until [2.] Lent both Parties were quiet, but then the King began to move, and the Empress likewise: and came to the Devizes, and held a Council there, in which it was Resolved

Septemb. 14.

August 15, His firmness to his Sisters Cause.

Malmib. f. 109. a. b. The King and Earl exchanged upon equal Terms.

Ando Domini 1142, or 1143. [7.] Ibid. f. 108. a. n. 30. The Legats Design to ruine the Empress.

[8.] Ibidem, n. 40, 50. King Stephen makes his Complaints in that Council. The Legat gives his Reasons, why he received the Empress.

He Deposeth the Empress as far as he can. King Stephen's Title. He Excommunicates all Favourers of the Empress.

[9.] Ibidem, in. 37.

[1.] Ibid. b. in. 1. &c. The Legats Speech in that Council not received by all, though by silence allowed. The Empress defended by a Laick.

[2.] Ibidem, f. 109. b. n. 10, 20, 30. An. Do. 1143. The Empress holds a Council at Devizes.

She is advised
to send to the
Duke of An-
jou her Hus-
band.
Messengers go
for him.

He desires the
Earl of Glouc-
ester to go to
him.

* These
Pledges were
the Sons or
next Kinmen
of the Noble-
men, and
were left with
Geoffrey of
Anjou.
He goes with
Pledges, &c.
[3.] Ibidem,
n. 40.

The Duke of
Anjou makes
Objections
against his
going for
England.

[4.] Ord. vit.
f. 223. A. B.
C. D. Chron.
Norm. f. 981.
A. B. Mat.
Westm. f. 243.
n. 50.

Several of the
Great Men of
Normandy, and
several Towns
and Castles
submit to the
Earl of Anjou
and the Em-
press.

[5.] Malmsh.
f. 109. b. m. 50.
He sends his
eldest Son
Henry, with
his Brother
the Earl into
England.

[6.] Ibidem,
f. 110. a. lin.
3. & n. 10.
20, 30, 42.
King Stephen
takes Warham,
— burns
Oxford.

He besieges the
Empress in the
Castle.

The Noble-
men, her Fa-
vourers, Ren-
dezvous at
Wallingford to
deliver her.

Resolved she should send for her Husband the Duke of Anjou, to help her to recover the Inheritance of her and her Children; which Resolution was forthwith spread among the People, and Honourable Persons sent for him. About Easter the King fell sick at Northampton, and so continued until after Whitsunday. The Messengers return from Anjou, and deliver what they brought back to the Empress in a second Council holden at the Deviser, which was, That her Husband desired Earl Robert should go over to him, and that it was in vain to send others. All present press him to go: he excuseth himself, upon the peril of the Journey, and the danger might happen to his Sister in his absence; They urge him again: he is willing, upon Condition he might carry with him Hostages or * Pledges, as well for the security of the Earl of Anjou, as his Sister: That they should stay with her at Oxford, and with all their force defend her. They all assented to him, and gave Pledges to be carried into Normandy.

Robert [3.] taking leave of his Sister, with his Pledges and a Guard, went to Warham in Dorsetshire, of which Town and Castle he had made his eldest Son William Governor; from thence he set sail presently after Midsummer, and landed in an Haven near Caen; from whence he sent to the Duke of Anjou to come to him: he came, and made many Objections against his going into England; The chief was, That his stay in Normandy was necessary, that he might take in many Castles which yet held out against him. This indeed was a very weighty Objection at that time; for [4.] hearing of the Victory his Wife had obtained against King Stephen at Lincoln, he went into Normandy, and sent to the Noblemen to deliver their Castles to him, as of right they ought. Rotrou Earl of Mortaign in the County of Perche, Hugh Arch-Bishop of Rouen, John Bishop of Lisieux, and many other Bishops, Abbats, Earls, and Barons, and Governors of Towns and Castles submitted to the Government and Dominion of Earl Jeffry, and Mand the Empress; He had been, and was then busied in reducing such as would not yield. [5.] This Objection caused the Earl of Gloucester to stay longer than he intended, for that he might not leave him without Excuse, he staid and assisted him in the taking of ten Castles; yet he had fresh Objections, by which he put off his Voyage into England, but granted his eldest Son Henry should go with him, to animate and encourage those that defend the Cause and Title of the just Heir.

In the mean time, while the Earl was absent, the [6.] King suddenly came to Warham, and finding it without a Garrison, plundered it, and presently the Castle was delivered to him. From hence he marched toward Oxford, and three days before Michaelmas came unexpectedly upon the City and burnt it, and besieged the Empress who was in the Castle, only with her Domestick Servants; and prosecuted the Siege so resolutely, that he declared, he would not leave it for the hope of any Advantage, or fear of any Loss, before the Castle was taken, and the Empress in his power. The Noblemen who undertook to defend her, were confounded, that they had been absent beyond their time, came with a great Force to Wallingford, with intention to fight the King, if he would come forth into the open Field; but as he was lodged in the Town, it was concluded, they

they could not attack him, the Earl of Gloucester had so strongly fortified it, and made it Inexpugnable, but by Fire. Who hearing of this Siege in Normandy, hastened his return; He brought over with him in fifty two Ships, three hundred Men at Arms, and somewhat more: They came to Warham, and presently made themselves Masters of the Haven and Town, and besieged the Castle, which was defended by choice Soldiers the King had placed in it; but after it had been battered a while with the Earls Engines, and the Men wearied and affrighted, they desired a Truce (which was the Custom of those times) while they sent to the King to desire Aid, which if they received not by the day appointed, they would deliver the Castle. This was granted, with hopes it might draw the King from his Siege of the Empress; but the King would not stir: whereof the Defendants having notice, the Earl had at the same time this Castle, and the Island of Portland delivered to him, and a third place called Lulwerden, now Lulworth Castle in Dorsetshire.

From thence he marched toward [7.] Cyrencester in Gloucestershire, and gave Order, that all such as were Friends to the Empress should meet him there in the beginning of Advent, that they might march on to Oxford, fight the King, and Relieve their Mistress the Empress. But in their way they met a joyful Messenger, that informed them she was escaped out of the Castle, and safe at Wallingford; They went thither, and by her Advice, and common Consent, by reason of the approaching Holidays, which admonished them to quiet, and to abstain from War, they returned to their places of Abode. The manner of her Escape the Historian would have added, if he had certainly known it; He says, it was sufficiently evident, that for fear of the Earls coming, many of the Besiegers slipped away from Oxford: those that staid kept very loose Guards, and remiss Watches; which being [8.] observed by them in the Castle, she with only four Soldiers, Men at Arms, or Knights, went out at the Postern Gate, and passed the River, and went on foot to Abington, and from thence on Horseback to Wallingford. After her departure King Stephen received the Castle upon Terms, the Defendants went whither they would without disturbance. Most Authors, and some of the best Credit Report, That it was at that time a great Frost and Snow; and that she clad her self in White, and by that means escaped undiscovered. Thus far William of Malmshbury, and no further; who wrote the things which happened in England between Mand the Empress, and King Stephen, at the particular [9.] Request of Robert Earl of Gloucester.

Who not long after, being informed that the King intended to make a Garrison of the [1.] Nunnery at Wilton, to prevent the Excursions of those in Salisbury, that favoured the Empress, he raised all the Force he could, and upon the first day of July, in the Evening, came thither, and set fire on the Town where the Kings Soldiers lay, which put the King into such a fright, (who then was in the Nunnery) that he left his Plate and other Goods behind him, and by the benefit of a dark Night, hardly escaped with his Brother Henry Bishop of Winchester; The Earls Soldiers killed many of the Kings, and took many; amongst them [2.] William Martel, for whose Redemption there were given 300 Marks, and the Castle of Sherborn.

P p

Not

The Earl comes out of
Normandy,
Takes Warham.

The Isle of
Portland and
Lulworth
Castle deli-
vered to him.

[7.] Ibidem,
n. 40, 50.

The Empress
escapes from
Oxford.

The manner
of her Escape

[8.] Ibidem,
b. lin. 12.

[9.] Ibidem,
f. 98. b. n. 30,
40.

[1.] Gervas.
Dorob. Col.
338. n. 50.
60. Hen. 1. m.
f. 115. a. n. 20.
King Stephen
forced from
Wilton.

[2.] Gervas.
ut supra. Col.
319. Hen. 1. & G.
William Martel
taken Prison-
ner, his Ran-
som.

Not many days after, [3.] *Milo* Earl of *Hereford*, one of the chief Counsellors, most faithful Friends, and greatest Supporters of the *Empress* died, to her great Grief and Misfortune.

The next year King *Stephen* seized upon *Geofry de Magnavilla*, in his Court at *St. Albans*, and kept him Prisoner [4.] until he delivered up to the King the *Tower of London*, his Castles of *Walden*, and *Pleffers*; and not long after was slain, first having given the King much trouble, and Plundered *Ramsley* Abby.

After this the King again besieged the Castle of *Lincoln*, where the Earl of *Chester* destroyed eighty of his [5.] Workmen and Engineers, so as he was forced to depart, having done nothing; From thence he gathered a great Force, and marched to [6.] *Faringdon*, where the Earl of *Gloucester* was erecting a strong *Fortress* or Castle, where they fought or rather skirmished: and much Blood having been spilt, the Earl was forced from his Enterprize.

From thence he came and besieged *Walsingford* Castle, against which when he saw he was not likely to prevail by Force or Art, he built a Castle called [7.] *Cranmersb*, and placed a Garrison to keep in and hinder the Excursions of the Garrison of *Walsingford*. Hither came to the King *Ranulph* Earl of *Chester*, and made his Peace, and added to his Forces a considerable Strength; A while after he came to the Kings Court at *Northampton*, where he was taken and kept in Prison, until he had delivered to the King the Castle of *Lincoln*, in which City he kept a most splendid *Christmas*.

Geofrey Earl of *Anjou* having subdued and [8.] settled *Normandy* and *Anjou* in Peace, had a great desire to see his Son *Henry*, and sent three Noblemen with a Guard for him to Earl *Robert*; who conducted him safely to *Warham*, where he took Ship, and afterwards never saw him; for the Earl fell sick of a Fever at *Gloucester*, of which he died on the First of *November*, and was buried at *Bristol* in the Monastery he built there.

After his Death, the [9.] *Empress* wearied out with these Com-motions and Wars in *England*, before *Lent* passed over into *Normandy*, choosing rather to live there with her Husband in Peace, than undergo so many Troubles.

In the year 1149. *Henry* the Son of the [1.] *Empress*, *Cum grandi Comitatu militum Electorum & peditum rediit in Angliam*, returned into *England* with a great Company of choice Knights or Horse-men, and Foot, and stirred up the Thoughts and Courage of many against King *Stephen*; for after the Deaths of *Robert* and *Milo* Earls of *Gloucester* and *Hereford*, and the *Empress* having passed the Sea, none could move the Noblemen against King *Stephen*, but the true Heir to the Crown. After his Appearance in *England*, he took with him *Ranulph* Earl of *Chester*, and *Roger* Earl of *Hereford*, and some others, besides those he brought with him out of *Normandy*, and went to *David* King of *Scotland* his Great Uncle, who received him with great Joy and Honour, and in the Solemnity of *Pentecost*, Knighted him and some others.

This

This raised [2.] great Suspicion in King *Stephen* and his Son *Eustachius*; for when the King of *Scots* with his Forces, and his Ne-phew with the * *Western Barons of England*, were united in the fore-said Solemnity, King *Stephen* came to *Tork* with a great Army, lest they should surprize that City, and stayed there unto the end of *August*; but both the Kings, one at *Carlisle*, the other at *Tork*, were afraid of one another, and so of their own accords they retreated, *Stephen* towards *Lincoln*, and *David* toward *Scotland*, but *Eustachius* Son of *Stephen*, now also Knighted by his Father, made great havock and spoil upon the Lands belonging to the Earls and Barons which favoured *Henry*, [3.] who in the beginning of *January* in the year following sailed into *Normandy*, and with his Fathers good liking, received that Dukedom [4.] as his Inheritance by his Mother. At which the King of *France* took offence, raised an Army, and with *Eustachius* in his Company invaded *Normandy*, and besieged the Castle of *Archer*. Earl *Geofry* and his Son prepare to oppose him, in the mean time he burnt the City of *Sees*, and when the Father and Son had drawn together a great Army, and Marshallled their Troops, by the Mediation of Wise Men, the King received the Homage of *Henry* for the Dukedom of *Normandy*, and one *Gerrard Berlas*, Lord of the Castle of *Montstren*, out of Prison, and so rested satisfied. Being thus in quiet, Duke *Henry* intended to call together all his great Men of *Normandy* on the Fourteenth day of *September* at *Lisieux*, to Treat and Consult about his Voyage into *England*; in the interim his Father labouring under a great Fever, died on the Seventh of the same Month, and left him Lord and Heir of *Normandy* and *Anjou*.

Within less then half a year after there happened some Discontent between *Lewis* [5.] King of *France*, and his Queen, which so increased, that they thought of a Separation by Consent; and in *Lent* the Arch-Bishops and Bishops were Assembled at *Bangency*, a Town upon the River *Loir*, and it appearing by their Oaths they were Allied in Blood, and that there was Consanguinity between them, they were in the Close of *Easter* duely separated by Ecclesiastick Authority. And about [6.] *Whitsunday* the Duke of *Normandy* Married her by the name of *Alianor* Countess of *Poitou*, she being Inheri-trix of that Earldom, and the Dukedom of *Aquitain*.

At which Marriage the [7.] King of *France* was much moved, (for he had only two Daughters, and no Issue Male by her) and with *Eustachius* Son of King *Stephen*, *Robert* Earl of *Perch*, the Son of *Theobald* Earl of *Blois*, and *Geofry* his younger Brother, joined together, to take from him *Normandy*, *Anjou*, and *Aquitain*. When the *Normans* thought all would suddenly be lost, he so ordered his Affairs, and behaved himself with such Conduct and Resolution, that he made Peace with the King of *France*, and beat his Brother out of *Anjou*, and forced him to make Peace with, and be reconciled to him.

While he was settling and securing *Normandy*, and his Territories in *France*, King *Stephen* thought also to secure and establish the Crown of *England* upon himself and Family, and to that purpose called [8.] a General Council at *London*; That is to say, *Theobald* the Arch-Bishop, the Bishops, and Great Men of *England*. He propounded

[1.] *Item* n. 60. & Col. 1367. *Item* 1. *David* King of *Scots* comes to *Carlisle*. * So called in respect of the East parts of *Scotland*.

The two Kings of *Eng-land* and *Scot-land* retreat one from another.

[3.] *Ibid*. Col. 1367. n. 30. *An. Do.* 1150. These old *Hil-*lorians begin the year at *Christmas*.

Henry receives the Dukedom of *Normandy*. [4.] *Chron. Norm.* f. 98a. B. C. D. The King of *France* takes offence at it. They are reconciled. *Geofrey* Earl of *Anjou*, *Henry's* Father dies.

[5.] *Ibidem*, f. 98b. B. *Anno Domini* 1151. The King of *France* and his Queen dis-satisfied one with another. They are Le-gally Di-voiced.

[6.] *Ibidem*. *Henry* Duke of *Normandy* Marries her.

[7.] *Ib.* C. D. The King of *France* dis-pleated with that Marriage. He Invades *Normandy*, &c. Duke *Henry* makes Peace with the King of *France*, and beats his Brother out of *Anjou*.

[8.] *Chron. Ger.* col. 1371. n. 50. *Hen. Hunt.* f. 126. b. n. 30.

[3.] *Ib.* n. 10. *Milo* Earl of *Hereford* dies. *An. Do.* 1144. [4.] *Ibid*. Col. 1360. n. 10. *Item* *Hunt.* ut sup. n. 40. King *Stephen* seizes *Geofrey de Magnavilla*, he gives up the *Tower of London*, his Castles of *Walden* and *Pleffers*. King *Stephen* besieges *Lincoln*, and is baffled.

[5.] *Ib.* n. 50. [6.] *Ibidem*, b. n. 10. *Anno Domini* 1145. The Earl of *Gloucester* worsted at *Faringdon*. King *Stephen* besieges *Walsingford* Castle. [7.] *Ibidem*, n. 30, 40. *Gervas. Dorob.* col. 1361. n. 10, 20. He built *Cranmersb* Castle against it.

The Earl of *Chester* makes his Peace, he is made Prisoner, and delivers *Lincoln* Castle. *Anno Domini* 1146, 1147. [8.] The Earl of *Anjou* sends for his Son *Henry*.

Robert Earl of *Gloucester* dies. [9.] *Ibid*. Col. 1363. *Item* 1. The *Empress* goes into *Normandy* to her Husband.

[1.] *Ibid*. Col. 1366. n. 30, 40. *An. Do.* 1149. *Henry* the Son of the *Empress* comes into *England*.

He is Knighted by *David* King of *Scotland* his Great Uncle.

King Stephen desired to have his Son Eustachius Crowned. The Arch-Bishop refused to do it.

[9.] Chron. Gerv. Col. 9372. lla. 1. Hen. Hunt. ut supra.

The Arch-Bishop flies beyond Sea.

Fol. 84. lin. 3.

[1.] Hen. Hun. lla. n. 40. Chron. Gerv. lla. n. 10, 20. An. Do. 1155.

[2.] Ibidem, n. 30. Maud the Queen, and Wife of King Stephen dies. [3.] Ibidem. Duke Henry comes into England with an Army. He takes Malmsbury Castle. Robert Earl of Leicester comes to him. [4.] Ib. 1373. n. 20, 30, 40. 50. Hen. Hun. f. 157. b. n. 10, 20. The Duke besiegeth Craumerse Fort, and Relieves Walsingham Castle. The King and Duke meet, and Treat. Nothing is Concluded.

[5.] Ibidem. 30. 40.

propounded to them the Coronation of his Son Eustachius, that thereby he might deprive Duke Henry of his Right; and particularly required the Arch-Bishop of Canterbury, to whom of Ancient Right it belonged to Anoint and Consecrate Kings, that he would perform that Office to his Son; who Answered, That the Pope by his Letters had forbidden him to Crown or Anoint his Son, because he contrary to his Oath had Usurped the Kingdom. For this Repulse, [9.] the King, his Son, and those which favoured him, were vehemently Angry, and shut up all the Bishops with their Primate in one House, that by Threats and Terrors they might extort that, which neither by Price or Prayer they could prevail in. The Arch-Bishop made his escape out of the House, and got over the Thames in a Boat, (leaving some of the Bishops wavering, and in a Complying Temper) and fled to Dover, and so beyond Sea. And so the Kings Design was defeated, which notwithstanding, Mat. Paris says, the Earls and Barons of England did Swear Allegiance and Fidelity to Eustachius. For his Resolution in this Case, and Flight, the King seized and spoiled all his Lands and Possessions.

Not long after the King besieged [1.] Newbury Castle and took it, and then came before Walsingham, and blocked it up close, as they could neither well get out, or any Victuals in; and being thus pressed, they sent Messengers to their Lord Duke Henry, either to send Relief, or give them leave to deliver the Castle to the King.

This year died [2.] Maud the Wife, and Queen of King Stephen, on the Third of May, and was buried in the Monastery at Feversham in Kent that her Husband and she had founded.

Duke [3.] Henry, all things being in pretty good order in France, was hastned over with this news from Walsingham, came with an Army into England, and first of all Besieged and took Malmsbury Castle, where Robert Earl of Leicester came in to him, and alfo more than thirty strong Castles with their Garisons submitted to him.

From [4.] Malmsbury he went with all speed to Walsingham, to relieve his almost famished Friends there, and besieged the Castle or great Fort of Craumerse: He compassed it about, and all the Kings Forces in it, with a large Ditch or Trench, and so ordered the matter that his Forces in Walsingham might go out, but those which he had begirt could no ways get out. King Stephen collected all the Forces he could to raise this Siege; when Duke Henry was informed he was coming towards him, he left his Trenches, and went to meet him with his Army drawn into Order ready to Fight. Both Armies being ready for Battle in a great Plain, William Earl of Arundel Mediated a Truce or Treaty between the Duke and King; After some Discourse of Peace, they came to no Conclusion, but referred themselves to a further Treaty, and each parted to his Army.

Before the second [5.] Treaty and Overtures for Peace, Eustachius, King Stephens eldest Son, and Simon Earl of Northampton both died at the same time, the two great and Potent Enemies of Duke Henry, whose deaths facilitated the finishing of the ensuing Peace.

Peace. Theobald Arch-Bishop of Canterbury laboured heartily between the King and Duke, to bring them to an Accord; [6.] Henry also Bishop of Winchester, who had horribly troubled the Nation by making his Brother King, now moved with Repentance, when he saw the Nation ruined with Rapine, Fire, and Slaughter, assisted in the finishing this great Work of Peace; by which it was Concluded, That King Stephen should Reign as King during his Life, and that Henry as Lawful Heir should succeed him. The Bishops and Barons were summoned by the Kings and Dukes Precept to Winchester in the end of November, to give their Assent to the Peace, and Confirm it by Oath. The Charter of King Stephen, containing all the Articles of this Peace, may be seen in the [8.] Appendix. He lived not a year after this Peace so solemnly Confirmed, departing this Life upon the 25th of October, in the year following, 1154. and was Buried at his Monastery in Feversham.

In the Fourteenth of this King Anno Domini 1149. Tamesis sic Congelatus est, ut pede, & equo, & quadrigis etiam onerata transmeabilis redderetur. The Thames was so Frozen, as Men on Foot, and Horseback, and Loaden Waggon passed over it; The Frost began December the Tenth, and ended February the Nineteenth.

Of Ecclesiastical Affairs.

There hath been three Councils of Bishops and Clergy only before mentioned; One was held on the 29th of August 1139. at Winchester; The second on the 30th of March 1142. at Oxford; The third eight days after St. Andrew, in the same year at Westminster. The Business transacted in all three was merely Secular; which properly falls not under this Title; and therefore I shall proceed to such things as do.

In the year 1138. Alberic Bishop of Ostia in Italy, the Popes Special Comissary, or Legat in England, and Scotland, by [9.] Apostolical Authority called a Council of Bishops, Abbats, and other Religious Persons of the Kingdom, to meet at Westminster on the Thirteenth of December, and sent his * Citatory Letters to the Prior and Convent of the Church of Canterbury, and all others whom it concerned to be present there, and choose an Arch-Bishop, that See being then void. There were sixteen [1.] Constitutions Decreed, the most notable whereof were these, at that time somewhat new, and not fully Established, and one or two of them never practised before in England.

The year following Theobald Arch-Bishop of Canterbury, Simon Bishop of Worcester, Roger Bishop of Coventry, Robert Bishop of Exeter, and Rainald Abbat of Evesham, were Commanded by the Pope to Repair to Rome, where they were received with much Honour, and were present in the Roman Council, such an one as had not been many Ages before. In this Council they freely, and according to their desires propounded and managed their own Causes, and

[6.] Ib. f. 218. a. lla. 3.

[7.] Feb. Brompton, Col. 1037. n. 40. An. Do. 1153.

[8.] N. 31. King Stephen dies. An. Do. 1154.

Mat. Westm. An. Do. 1149. f. 141. n. 20, 30.

The Popes Legat calls a Council of the Clergy.

[9.] Chron. Gerv. Col. 1346. n. 40. 50, 60. Col. 1347. n. 10, 20, 30, 40, 50. 60. Col. 1348. n. 10, 20, 30, 40, 50, 60. * This was never done before.

[1.] Ibidem. Col. 1347. n. 10, 20. The Popes Legat directs the choosing of an Arch-Bishop of Canterbury. Cont. of Flor. of Worcester. f. 671. Anno Dom 1139.

and returned home with joy, bringing with them the Decrees of this Council, (then when the Monk wrote) written and dispersed far and wide through England. And in this Council the under written Constitutions which had been made in this English Council were Decreed, which according to the Title was the second Lateran Council, holden under Pope Innocent the Second, Anno Dom. 1139. Apr. 8. Labbe Tom. 10. Col. 999. This practise of the Pope was new, to call particularly, whom he pleased to Councils.

[2.] Ibidem. The former part of this Constitution about Investitures, was new. Buying of Benefices prohibited. Married Priests, and such as kept Concubines deprived of Ecclesiastick Benefices, &c. [3.] Ibidem. Col. 1348. lin. 1. & n. 10.

Constitution V. None may receive a Church, or any Ecclesiastical [2.] Benefice from a Lay Man. When any receive Investiture from a Bishop, we Command that he swear upon the Gospel, That neither by himself nor any other, he gave or promised any thing for it, and if it be presumed he did, the gift shall be void, and both the Giver and Receiver shall be subject to Canonical Censure. Spelm. Concil. vol. 2. f. 41.

Constit. VII. Walking in the steps of the Holy Fathers, we deprive Married Priests, Deacons, and Sub-Deacons, and those that have Concubines, of their Ecclesiastical Benefices and Offices; And by Apostolical Authority, we forbid all People to hear their Masses.

Constit. IX. If any one Kills, [3.] Imprisons, or lays his Wicked Hands upon a Clerk, Monk, or Nun, or any Ecclesiastick Person, unless he makes satisfaction upon the third Admonition, let him be Anathematized; Nor shall any one (unless in danger of Death) enjoy him Penance but the Pope; and if he dies impenitent, his Body shall not be Buried.

This Canon or Constitution was made to prevent the Rudeness and Inhumanity of the Soldiers, who in this intestine War used all Persons alike, Religious and Secular; the Sword made little difference; nor made they scarce any distinction of Places in their Rapine or Plundering.

Constit. XI. We prohibit by Apostolick Authority, That no Man builds a Church or Oratory in his own Fee without the Command of his Bishop.

This Constitution was new, and made to baffle the Right of the Lay Patron, which was Originally grounded upon the Feudal Law, and the Erection of a Church within the Precinct of his own Fee or Maner, and the Donation or Grant of the Tithes within that Precinct unto it, and to Entitle the Pope or Bishop unto it; by reason of his Command was this Constitution made. This Council being Dissolved, * Jeremy Prior of the Church of Canterbury, and some of the Convent, whom the King had called, in the presence of him and the Legat, with some of the Chief Men, and Bishops of England, chose Theobald Abbat of Bec Arch-Bishop of that Sec. At which the Bishop of Winchester and Legat was much moved, (designing it for himself) but lost it by the Contrivance of the King and Queen; and for this cause it was reported by some, that he left the King his Brother, and went off to the Empress, Earl Robert, and Milo the Kings High, or Great Constable.

Not-

Notwithstanding the Ninth Constitution of this Council, the Soldiers abated not of their rough usage of the Clergy and Ecclesiasticks: and therefore the Bishop of Winchester and Popes Legat, to check their Barbarities, [4.] called a Council at London in the Eighth year of this Kings Reign, Anno Domini 1143. in which it was thus Decreed.

That because no Honour was given by Ravagers and Plunderers to Clerks, nor to the Church of God: and that Clerks were as frequently Imprisoned, and put to Ransom as Lay Men; Therefore who ever laid violent Hands upon a Clerk, should not be absolved but by the Pope himself. From which Decree the Clerks received much Relief and Advantage.

Mat. Paris [5.] adds to this another Decree, 'That the Churches and Church-Yards (whether the Poor People fled with their Goods) should be as free from violence as the Priests themselves, and that the Ploughs and Ploughmen in the Fields should enjoy the same freedom; and they Excommunicated all Contraveners to this Decree, with Light Candles or Tapers. And so, (saith the Monk) the Rapacity of the Kites was somewhat abated.

The next was a General Council in the Sixteenth of this King, Anno Domini 1151. holden at London [6.] by Theobald the Arch-Bishop of Canterbury, and the Popes Legat, in which were present King Stephen, his Son Eustachius, and the Barons, or Great Men of England. This whole Council saith the Arch-Deacon of Huntington (without doubt then present at it) was mad with Appeals. For in England Appeals were not in use, until Henry Bishop of Winchester, while he was the Popes Legat, cruelly to his own mischief, dragged them in; and in this Council there were three Appeals to the Pope.

Besides these three, there were many Appeals to Rome in this Kings Reign. Upon the Vacancy of the [7.] Bishoprick of London, the Dean and Canons could not agree in the Electing of a fit Person to be Bishop, several were propounded. The Canons without the knowledge of the Dean chose Anselm Abbat of St. Edmonds-Bury; [8.] They privately take the Treasure of the Church, and with their Elect that was laden with Money, go to Rome; Their success proved what a large Bag could do, for at their return he was invested, and had possession of the Bishoprick. [9.] The Dean by two of the Canons, and his Domestick Clerks, Ralph de Langford, and Richard de Belmeis, his Solicitors, Appeals to the Pope; He having heard their Allegations, and by them received the Arch-Bishop of Yorks Letter and Certificate concerning Anselm, and with the [10.] Cardinals having seriously debated the matter, pronounced by the Mouth of Alberic Bishop of Ostia, That since the Election of the Canons was made without the knowledge of the Dean, who ought to have had the first Voice, it was therefore void. [2.] And then the Pope committed the Care of the Church of London, by the Kings favour, to the Bishop of Winchester; and so held it as it were in Commendam from the Pope two years. This Man had ill luck, for after he had possession of the Bishoprick of London, [3.] Ordinus the Prior was chosen Abbat of St. Edmonds-Bury, and so he lost both.

Richard

[4.] Reg. Hoved. f. 179. b. n. 40.

A Canon for the security of Clerks.

[5.] F. 79. n. 30.

Another for the security of Ploughs and Ploughmen.

[6.] Hen. Hun. f. 226. b. lin. 3.

Appeals to the Pope were now first used in England.

[7.] Radulf. de Dicis, Col. 506. lin. 1. An. Do. 1136.

[8.] Ib. n. 30. An. Do. 1137. Anselm Appeals to the Pope, and is Confirmed Bishop of London. [9.] Ib. n. 50. An. Do. 1138.

[10.] Ibid. Col. 507. lin. 4. The Dean of London Appeals to the Pope, and Anselm is turned out. [2.] Ibidem, n. 50. [3.] Ibid. Col. 506. n. 50.

[4.] *Ibidem*, Col. 157. n. 10, 20, 30. An Appeal to the Pope for the Arch-Bishop of Middlesex.

Richard de Belmeis aforesaid had been [4.] made *Arch-Deacon* of *Middlesex*, but was too young to execute the Office, which *High*, one of his Uncle *Richard de Belmeis*, the then Bishop of *London*'s Chaplains was to manage for him. When *Richard* became fit for the Office, and his Uncle the Bishop of *London* was dead, *High* refused to restore it unto him; He Appeals to the Pope, who sends his Letters or Brief to the Bishops of *Lincoln* and *Hereford* to hear the Cause, who gave it to *Richard*.

[5.] *Chron. Geruif. Col. 1363. n. 30.* The Clerks of the Church of *Tork* Appeal to the Pope. He Deposeth the Arch-Bishop of *Tork*.

In the year 1147. *Pope Eugenius* held a Council at *Rhemes*; [5.] in this Council appeared some Clerks of the Church of *Tork*, with *Henry Murdac* Abbat of *Fountains*, accusing *William* Arch-Bishop of *Tork*, That he was neither Canonically Elected, nor Lawfully Consecrated, but intruded by the King; at length the foresaid *William* was Convicted and Deposed. *Alberic* Bishop of *Ostia* pronouncing the Sentence, and saying, *We Decree by Apostolick Authority, That William Arch-Bishop of York be Deposed from the Bishoprick, because Stephen King of England Nominated him before Canonical Election.*

[6.] *Ibidem*, n. 40, 50. The Pope Commands the Chapter to choose a new Arch-Bishop, &c. He that had the fewest Suffrages is made Arch-Bishop.

When as therefore [6.] *Pope Eugenius*, on his own Will, and by the Consent of the smaller number of *Cardinals*, had Deposed *St. William* Arch-Bishop of *Tork*, the Chapter of that Church Convened by his *Mandate*, chose an Arch-Bishop, (or rather Arch-Bishops) the Major part of the Chapter chose *Hilary* Bishop of *Chichester*, the other part chose *Henry Murdac* Abbat of *Fountains*. When both Elections were presented to the *Pope*, he confirmed the Election of *Henry Murdac*, and Consecrated him with his own Hands.

Strife between the Legat and Arch-Bishop.

[7.] *Geruif. Alt. Pontif. Cantuarien. Col. 1663. n. 20, 30.*

* This was *Thomas Becket* afterward Arch-Bishop of *Canterbury*. The Arch-Bishop made Legat. Appeals first used in *England*.

* *Ibidem*. The Canon Law first used in *England*.

The Reasons why those Appeals and Laws obtained in *England*.

While *Henry* Bishop of *Winchester* was the *Popes* Legat, there were great Strife and Animosities between him and *Theobald* Arch-Bishop of *Canterbury*, he stretching his [7.] Legantine Privilege mightily beyond what he ought, and called his own Arch-Bishop and the Bishops of *England* to meet him when, and where he pleased. *Theobald* taking it ill, and scornng to be thus over-awed, by the Industry of *Thomas* a * Clerk of *London*, (whom he sent to *Rome*) he dealt so effectually with *Pope Celestin*, who succeeded *Innocent*, that he removed *Henry*, and made *Theobald* his Legat. From hence arose great Discord, Contentions, and several Appeals never * heard of before. Then the Laws and Lawyers were first called into *England*, (meaning the Canon Law and Lawyers): the first Teacher whereof was Master *Vacarius*, who Read at *Oxford*.

These Appeals to *Rome* were very Chargeable, and besides nothing could be done without Friends, and Gifts, or Presents. This Kings Reign was not very long, but never quiet, and free from intestine War, Confusion, and Unstedfastness; which gave the *Pope* and Clergy great opportunities to incroach upon Regal Power, and bring in such Laws, Usages, and Customs, as were not before practised in this Nation. For the King dare not oppose these Practises, because his Title wholly depended upon the *Popes* Confirmation of his Election (as they called it) by half a dozen Persons; and his Brother *Henry* Bishop of *Winchester*, who set him up, and was Legat a great part of

of his Reign, dare not but comply in all things with the *Pope*, (if it were not his inclination so to do) nor Arch-Bishop *Theobald* after him, lest they might be Exautorated, and lose a place of mighty Power, (at this time) as well as Profit.

Scoutages, Subsidies, or Taxes, I read of none during all this Kings Reign, both Armies and Pretenders lived by Plunder and Rapine, and maintained themselves chiefly by the Ruine and Destruction of their Adversaries, their Men and Tenents.

* King *Stephen* by his Wife *Maud* had [8.] *Baldwin* his eldest Son, who died in his Infancy.

2. [9.] *Eustace* Earl of *Bologne*; he Married *Constance* Daughter of *Lewis* the Seventh King of *France*, and Sister to *Lewis* the Gros, and died without Issue.

3. * *William* [1.] Earl of *Mortaign* and *Bologn*, Lord of the Honours of *Aquila*, or *Eagle*, and *Peversey*, Married *Isabel* the Daughter and Heir of *William* the Third Earl of *Waren* and *Surrey*; he died without Issue accompanying King *Henry* the Second at the Siege of *Tholose*, Anno Domini 1159. or 1160.

4. *Maud* [2.] his eldest Daughter died young.

5. *Mary* [3.] his second Daughter, first Nun, then Abbess in the Nunnery of *Rumsey* in *Hampshire*; being secretly taken from thence, was Married to *Matthew* Earl of *Flanders*, &c. and had Issue by him two Daughters *Ida* and *Maud*, &c.

His Natural Issue were.

1. *William*, [4.] who in a Charter of the former *Williams*, is called his Brother, &c.

2. *Gervase*, [5.] begotten of a *Norman* Gentlewoman named *Damesa*, and brought into *England* in the year 1140. was Abbat of *Westminster* twenty years, and died in the year 1160.

[8.] Mr. Sandford's General Hist. f. 42.

[9.] *Ibidem*.

* See King Stephens Charter in the Appendix n. 35. [1.] *Ibidem*, f. 43.

[2.] *Ibidem*.

[3.] *Ibidem*, f. 44.

[4.] *Ibidem*.

[5.] *Ibidem*.

THE REIGN OF King Henry II.

Anno Domini
1154.

[1.] F. 91.
n. 20.
How King
Henry came to
the Crown.

[2.] Col.
1043. n. 40.

* *Chron.*
Col.
1377. n. 30.
He banisheth
or thrusts out
the Flemings
and Strangers
out of Eng-
land.

[3.] *Ib.* n. 50.
He demolish-
eth the new
built Castles.
[4.] *Ibidem*,
n. 60.

[5.] *Ibidem*,
Col. 1046. n.
40, 50.
He recalled
the Crown
Rents and
Lands.

[6.] *Ibidem*,
n. 50, 60.

When King Stephen died, King Henry was in Normandy, and after his death, so soon as he had notice, came for England, and landed here on the Seventh of December; and, as *Mat. Paris* says, was received by the Clergy and People with great Joy, and by their Acclamations saluted King, and Crowned at Westminster on the Nineteenth of the same Month, by Theobald Arch-Bishop of Canterbury. John Brompton [2.] writes, That Stephen being dead, Henry the Second, the Son of Maud the Empress, was by Arch-Bishop Theobald Consecrated King, and received an Hereditary Kingdom without diminution; The People shouting for Joy, and Crying out, *Let the King live.* * He held his Court at Christmas at Bermundsey, where he Treated with his Principal Men concerning the State of the Kingdom, and settling Peace, and resolved to expel the Strangers out of England, and destroy the small Places of Strength built during the War.

In the Reign of King Stephen many Strangers, Flemings especially, came over as Soldiers, in hopes of great Booty and Plunder, and had seated themselves in England by the permission of that King, and were very loath to leave their warm Seats, yet by his [3.] Edict, fixing them a day for their Removal, when they saw they could not continue here, they left the Nation; and his next work was, to have all the Castles demolished, which had been built since the [4.] death of his Father, except some few, which were kept up for the Strength of the Nation.

The [5.] Crown Lands and Rents which King Stephen had given to his Followers he recalled, and Commanded, That whosoever were possessed of them, they should be restored wholly and fully without any manner of diminution. Many pleaded the Charters and Donations of King Stephen; To which King Henry Answered, That the Charters of an Invader ought not to prejudice a Lawful Prince. They were very loath at first, but at length they all resigned up their Usurped Estates. In Northumberland they were most resolute, and therefore [6.] King Henry went thither, and cited before him William Earl of Albemarle and others, who with great grief submitted to his Power, and yielded up the Kings Lands and Demeasins, which they had

had possessed many years; together with the Castle of Scardeburgh in Yorkshire. Hugh Mortimer only opposed the King, who when he was Commanded to deliver his Castle of Bridgnorth in Shropshire, fortified it against him, which the King besieged, and in a short time took; and he begging the Kings Mercy for his Rebellion, was Pardoned, delivering also his other Castles. From William the Son of King Stephen, he took all the Lands his Father had given him, except such as he held in the time of King Henry his Uncle.

In the time of Contention between [7.] Maud the Empress, and King Stephen for the Kingdom of England, David King of Scotland had in her Name seized upon the Counties of Northumberland, Cumberland, and Westmerland, and possessed them as his own; These King Henry required of him, and the then King of Scotland Malcolm presently parted with them, and all their Rights, receiving from him the Barlondom of Huntingdon, as belonging to him of Ancient Right.

In March the Queen was delivered of a Son at London, called after his [8.] Fathers Name, Henry. After Easter there was a [9.] General Convention of the Bishops, and Chief Men of all England, at Walsford, where they swore Fealty to the King and his Heirs; to his eldest Son William, if he should outlive his Father; and to the Infant Henry, if he outlived his Brother.

Not long after the [1.] Welshmen making IncurSIONS into England, King Henry raised a great Army to subdue them, or at least bring them to a Peaceable Correspondency. The Welsh trusting to the security of their Woods and Mountains, retreated thither upon his Approach: The Van of the Army marching on as well as they could in those places, was intercepted by them, and a great part of it cut off; Henry de Essex the Kings Hereditary Standard-bearer threw it down, and fled, and told those which he met, the King was dead, which put the Army into great confusion; but upon the Kings hasty appearance it received new vigor, Rallied, and forced their Enemies to such Terms as satisfied the King. He cut down their Woods, and made open Ways into their Country, had the Castle of Roelent, and all other Places of Strength delivered unto him which they had taken from his Predecessors, and received the Homage and Fealty of their Nobles and Great Men.

For his Cowardise, [2.] Henry de Essex was charged by Robert de Montfort (a Nobleman of Fame) with Treason, and in a Trial by Battle was vanquished, for which he ought to have lost his Life by Law, but the King spared that, causing him to be Shorn a Monk in the Abby of Reding, and seized all his great Estate.

The Welsh thus secured, the King had news that his Brother [3.] Geoffry was very troublesome beyond Sea: He was his next Brother, and his Father Geoffry Earl of Anjou had by Will given him that Earldom, when his Brother Henry should be possessed of the Kingdom, and Dukedom of Normandy, his Mothers Inheritance; and in the mean time gave him three Castles for his support, Chinon, Mirehill, and Loudun; and because his Son Henry was then absent, he adjured all the Bishops and Noblemen present, That his Body should not be buried,

[7.] *Ibidem*,
Col. 1047. n.
10. *Mat. Paris*,
f. 96. n. 40.

[8.] *Chron.*
Gerard. Col.
1377. n. 50.
[9.] *Ibidem*,
Col. 1378. n.
20. *An. Dom.*
1155.

Henry Son of
King Henry
born.
[1.] *Brompton*.
Col. 1047. n.
50. *Col.*
1048. n. 10.
[2.] *Guil Neub.*
verum Angl.
lib. 2. c. 5.
Mat. Paris,
f. 96. n. 50.
Ad. de Dicto.
Col. 535. n. 20.
An. Do. 1156.
The Welsh
Conquer ed,
and yield.

[2.] *Ibidem*.
An Appeal of
Treason.

[3.] *Tab.*
Brompton. Col.
1048. n. 40, 50.
An. Do. 1157.
According to
Mat. Paris,
1156.
King Henry's
Brother Geoffry
claims An-
jou; Pleads
his Fathers
Will, and
Brothers
Oath.

buried, until he had Sworn he would not violate his Will. The Father being dead, the Son comes to his Inheritance; and being told by the Noblemen what Charge his Father left with them, he long considered what he had to do; At length all cried out, it would be a perpetual Disgrace to him to suffer his Fathers Body to remain unburied, with great Reluctancy he took the Oath. But when he was fully possessed of the Kingdom of England, he procured from Pope Adrian (an Englishman) [4.] Absolution from it; for which Reason, not thinking himself obliged by it, he neither took Care to satisfy his Fathers Will, or Brothers Request, in yielding to him the Earldom of Anjou; Whereupon his Brother fortifies his Castles, and makes Incursions into all King Henry's Countries round about them. The King passed over Sea, raised an Army, besieged and took the Castle of Chinon, and so humbled his Brother, that he rendered all his Castles, and had his Pardon. [5.] Matthew Paris says they came to an Agreement, and that Geofrey quitted his Claim for 1000 l. Annuity of English Money, and 2000 l. Anjouin, and placeth this Action in the year 1156.

Soon [6.] after the City of Nants in Britany, not knowing who was their true Lord, chose Geofrey for their Lord, and gave him the Dominion thereof, and the Country about it; but he lived not long to enjoy it. After whose death Conan Earl of Richmond in England took possession of it. The King hearing his Brother was dead, went over into France, and claimed Nants in his Right, and as his Successor, and gave Command his Earldom of Richmond should be seized.

It was in [7.] August he went over into Normandy, and the first thing dispatched was a Treaty between him and Lewis King of France upon the River Epta, (in the Confines of France and Normandy) concerning Peace, and a Marriage to be had between Margaret the Daughter of Lewis, and his Son Henry; what they Agreed upon was Sworn to on both sides. And from thence the King of England went to Argentom, and on the Eighth of September summoned the Army of Normandy to meet at Abrincis on Michaelmas's-day, to go against Conan Duke of Britany, to force him to render Nants that he had invaded. In the mean time he was invited to the French Court at Paris, where he was Entertained with all the Joy and Splendour imaginable; and coming from thence, he brought the Kings Daughter with him, and delivered her to be kept and Educated by Robert de Neuburgh Justiciary of Normandy. On Michaelmas's-day Conan Earl of Rhemes and Duke of Britany, with his Britans, came to Abrincis, now Auranches, and delivered to the King the City of Nants, with the whole County or Earldom belonging to it.

In December following, [8.] Theobald Earl of Blois made Peace with King Henry, and delivered the two Castles of Ambois, and Freteval; Rotroc also Earl of Perch, gave up the two Castles of Molins, and Bon-Molins, which were the Demesains of the Duke of Normandy, which Rotroc the Father of this Earl had seized upon after the death of King Henry the First. At the same time he granted to this Earl Bellifm Castle, for which he did him Homage.

He

He kept his Christmas at Cherburgh, where he came to meet his Queen [9.] Alienor, who a little before was come out of England. From thence he passed to the Castle of [1.] Blaye, seated upon a steep Hill over-looking the River Garonne, where he met Raymond Earl of Barcelona, with whom he made a League, confirmed with both their Oaths; by which it was mutually agreed, That Richard the Kings second Son should, at years of Maturity, Marry the Daughter of Raymond, and when the Nuptials were performed, he was to have feised upon him the Dukedom of Aquitan. This Raymond's Paternal Inheritance, was the Earldom of Barcelona, and by Right of his Wife he was King of Aragon, which he reserved for his Son he had by her.

King Henry having made this Alliance, declares his [2.] Title to the City and Earldom of Tholose, which by his Wife was thus. Her Grandfather William Earl of Poitou and Duke of Aquitan had Engaged them for a great Sum of Money, (which he spent in an Expedition into the Holy Land) to Raymond Earl of St. Giles, which Money he paid not, but left the Debt upon his Son William, the Father of Queen Alienor. For non-payment of this Money, Ansfus Son of Raymond, and after him Raymond Son of Ansfus held the City and Earldom. The King of France Married Alienor, Daughter and Heir of the last Duke of Aquitan, &c. and demanded, and was ready to possess himself of the City and Earldom of Tholose, when Raymond the then Earl of St. Giles Married his Sister Constance, the Widow of Eustachius Son of King Stephen; and by that means he was permitted to enjoy it. King Henry Married Alienor, after she was Lawfully Divorced from the King of France, and had Issue Male, by her, then four Sons: and from thence grew his Title and Pre-tenence to the City and Earldom. To obtain which, as his Wives Inheritance, he summoned the Force of all England, Normandy, Aquitan, and the other Countries subject to him; He carried not with him in this Expedition any Agrarian or Ordinary Soldiers; nor Burghers, or Rusticks, but took [3.] of every Knights Fee in Normandy Sixty Sols of Anjou Money, and in England, and his other Countries what he thought good; His Capital Barons, with few others accompanied him: but he collected or raised Stipendiary Soldiers innumerable. In this Expedition, was Malcolm King of Scots, who was Knighted by him, and William King Stephens Son. Raymond Earl of St. Giles allarm'd with this great Preparation, desired Assistance of the King of France; who put himself into the Town with an Army; which King Henry, for the [4.] Honour he bare to him would not besiege, but by force, and through fear, the greatest part of the Earldom was made subject to him; He also took the City of Cahors. From this Action of the King of France arose great Enmity between the Kings, and the Normans and French prosecuted one another with Fire and Sword.

Gervase the Monk of Canterbury * gives a different Relation of this Expedition to Tholose; He says the King took Scutage to the value of One hundred and fourscore thousand Pounds in England, and accordingly in his other Countries; That there were with him the King of Scots, and a certain King of Wales, and all the Earls, and Barons of England, Normandy, Aquitan, Anjou, and Gascony, and many others of divers Countries, Horse and Foot; That the City was

[9.] Ibidem. f. 995. A. B. An. Do. 1158.

[1.] Ibidem. King Henry takes the Castle of Bray.

A Match proposed between Richard Son to King Henry, and the Daughter of the Earl of Barcelona.

[2.] Ibidem. 995. C. D. An. Do. 1159. The Title of King Henry to the City and Earldom of Tholose.

King Henry offered the Mortgage Money. See John de Semes. The great Army raised to pursue the Title of Tholose.

[3.] Ibid. D.

Soldados Miles innumeros.

[4.] Ibidem. f. 998. A. The Person of the King of France secures the City. Cahors taken, &c.

* 991. 1381. lin. 37. The Relation of the Expedition of Tholose by Gervase of Canterbury.

[4.] Ibidem. n. 60. Pope Adrian dispenceth with King Henry's Oath.

[5.] F. 95. n. 40. 50.

[6.] Bromston. Col. 1019. n. 10. The City of Nantes choole Geofrey the Kings Brother their Earl.

[7.] Chron. Norm. f. 994. A. B. An. Do. 1157. A Treaty between the Kings of England and France. Margaret the King of France his Daughter to be Married to Henry the Kings Son.

Robertus de Novo-Burgho Duxer & Fulfillatus Normannia. Chron. Norm. f. 998. A.

[8.] Ibidem. f. 994. D. Theobald Earl of Blois makes Peace with King Henry.

was besieged from *Midsummer* to *Holy-Mist*, and that the King of *France* defended it so well as the King of *England* could not take it, and so was forced to raise his Siege.

* P. 8. Col. 1.
in *vida Thomæ*,
&c.

Fitz-Stephens * Reports, That in this Expedition the Chancellor had 700 chosen Knights or Gentleman that served on Horseback of his own Family or Dependents; *Canclarius de propria familia, lectum manum Militum, septingenta Milites habebat*; and that if the King had followed his Advice, he had taken *Tholose*, and the King of *France* in it; but being possessed with a vain Superstition and Reverence toward his Lord the King of *France*, who had made himself his Enemy, he never invested the City, but went from it, satisfying himself with the taking the City of *Cahors*, and many Castles in the Neighbourhood of *Tholose*; for the keeping whereof, all the Earls refusing that Service, only the Chancellor with his Attendants and Retinue, and *Henry de Essexia*, the Kings Constable stayed there; who after the King was gone, took in three strong Castles, which seemed inexpugnable. The Chancellor himself appearing before them in his Arms, and then passing the River *Garonne*, reduced all that Country, and made it subject to the King; from whence he went to him, and was received with great Favour and Honour.

[1.] 16. C. D.

In the Month of *October*, [5.] King *Henry* having fortified *Cahors*, as a Check upon *Tholose*, and recommended it to the Care of *Thomas* * his Chancellor, and having fixed Garisons in Places necessary and convenient, and confiding in the Assistance of *Raimond Berengar* Earl of *Barcelona*, *Tranchevel* Earl of *Nimes*, and *William of Montpelier*, his faithful Confederates, he returned into *Normandy*; and thence with a great Force went into *le Beunaissi*, destroyed the strong Castle of *Gueberes*, and burnt many Towns and Villages. *Simon* Earl of *Montfort* at that time delivered up to King *Henry*, his Places of Strength in *France*, *Rochfort*, *Montfort*, *Espernon*, and the rest, with great detriment to the King of *France*, for none of his People could pass freely from *Paris* to *Strampis*, or *Orleans*, for being disquieted with the *Normans* he had put into those Castles; and for this Cause a Truce or Cessation of Arms was made between the two Kings, from *December* until eight days after *Whitsunday*. In his return from this Expedition of *Tholose*, *William* Earl of *Moreton* died without Children, and King *Henry* took his Earldom into his Hands.

A Truce between the two Kings.

* Ibid. p. 9.
Col. 1. 1.

* Or it may be these 4000 *Servientes* were Four, for sometimes there were *Servientes* pelliti.

In this War * between the Kings of *France* and *England*, on the Borders of their Territories, the Chancellor, besides his own Retinue, the Seven hundred Horse or Knights, had 1200 others, Stipendiaries, and Four thousand * *Servientes*, or Ordinary Horse or Attendants, for one Month, and every Knight or Miles received every day to provide for his Horses and Elquires, *ad Equos & Armigeros*, &c. three Shillings of that Country Money; *Ipsi Milites*, The Knights themselves had their Diet from the Chancellor; who though he was a Clerk, Tilted with a Knight of *France*, named *Engelram de Trie*, and with his Lance unhorsed him, and gained his Horse. In the whole Army of the King his Knights were always the first that engaged, and always dared most.

The

The King and Queen kept their [6.] *Christmasts* at *Falaix*, from whence she went for *England*, and not long after * *Maud* the Empress sickned, and died, and by the Advice of her Son, gave all her Riches to be distributed to the Churches, Monasteries, and the Poor.

In May following there was a [7.] firm Peace Established between the two Kings. * In July *Henry* called together all the Bishops, Abbots, and Barons of *Normandy* at *New-Market*, and King *Lewis* all his Bishops, Abbots, and Barons at *Beauvais*, where they Treated about the Reception of *Pope Alexander*, chosen by the Cardinals, and the Rejection of *Victor*, elected by the Emperor *Frederic* and his Friends; They consented to the first, and disowned the last. In September Queen *Alienor*, [8.] by the Kings Command, returned into *Normandy*, and carried with her his Son *Henry*, and his Daughter *Maud*. In October [9.] the two Kings met again, and confirmed the former Peace.

Upon the [1.] Third of *November*, by the Authority and Allowance of *Henry* of *Pisa*, and *William* of *Papia*, Priest Cardinals, and Legats to the *Pope*, there was a Marriage solemnized between Prince *Henry*, the King of *Englands* Son, of Seven years of Age, and *Margaret*, Daughter of King *Lewis* by his second Wife *Constance*, the * Daughter of *Alfonso* King of *Spain*, about Three years of Age, who was then at *Newburgh* in the Custody of King *Henry*; by which Marriage he obtained the Castle of *Gisors*, which by Agreement of the two Kings, was to remain in the keeping of Knights *Templars*, until the Consummation of a Marriage between these two young Persons, and then to be delivered to King *Henry*. With *Gisors*, he received also as Dependencies upon it, the Castles of *Newse*, and *New-Castell*, all seated near or upon the River *Epta* or *Itta*, in the Confines of *France* and *Normandy*. This enraged the King of * *France*, and his * Wives three Brothers, *Henry*, *Theobald*, and *Stephen*; which three Earls joyned their Forces, and began to fortifie *Chaumont*, which was of the Fee of *Blois* Castle, that from thence they might infect *Tourain*. King *Henry* no sooner hears of this Design, but immediately without calling together many Forces, goes to frustrate it; The Earls hearing he was coming, left their Work. He presently took this new Fortrels, and about 120 Soldiers in it, and demolished it; and then fortified *Ambois* and *Freteval*, and placed Garisons in them, and went to *Mans*, where he kept his *Christmasts* with Queen *Alienor*.

After [4.] this he took into his own hands all the strong Holds of the Earl of *Mellent*, and his other Barons in *Normandy*, and committed them to the Care of his Trusty Friends, and repaired and strengthened all his Castles in the edge of *Normandy* toward *France*, and well Manned them, especially *Gisors*. *Theobald* Earl of

(*) King *Lewis* after the death of his second Wife, within [2.] fifteen days Married *Ala* Daughter of *Theobald* Earl of *Blois*, who had three Sons; [3.] *Henry* the eldest, who had the Earldoms of *Troyes* and *Champagn*, and whatever his Father had beyond the River *Sejn*; *Theobald* the second, who had the Earldoms of *Chartres* and *Blois*, and *Le Danouis*; *Stephen* the third, who had the Honour of *Servicius* in *Berry*. What this Honour was I find not.

Blois

[6.] *Mit. D.*
G. f. 297. A.
* This is said in this Author.
But see *Anno Dom.* 1166.
[7.] *Ibidem.*
* *Vid. Reg. de Monte.*
An. Do. 1161.
A Peace between the two Kings.
A Norman great Council or Parliament.
[8.] *Ibid. B.*
[9.] *Ibidem.*
[1.] *Ibid. G.*
Rad. de Dicto.
Col. 523. n. 10.
30. A. D. 1160.
Henry and *Margaret* are married.
* King *Lewis* Married her, after the Divorce of *Alienor*.
Chron.
Nor f. 289. D.
The three *Templars* Commanders of these Castles were *Robert de Piron*, *Tostes* of *St. Omer*, and *Richard de Hastings*; The King of *France* expelled them his Kingdom, but the King of *England* received, and much enriched them.
Hoved f. 182.
a. n. 10.
* *Ibidem.* f. 997. C.
A quarrel between the two Kings about the Marriage of their Children.
[4.] *Ibidem.*
f. 927. D.
An. Do. 1161.
The King takes possession of the Castles in *Normandy*.
[5.] *Rad. de Dicto.*
Col. 532. n. 10.
[3.] *Chron.*
Nor f. 285. A.
King *Lewis* his third Wife, *Ala* Daughter to *Theobald* Earl of *Blois*.

[5.] *Ibidem*,
998. A.

He takes the
strong Castle
of Agen.

* The Tenth
of August.

[6.] *Ibidem*.
The King calls
a great Council,
Complains of the
Bishops and their
Ministers, &c.
* See Appendix,
n. 15.

[7.] *Ibid.* D.
The Kings of
England and
France perform the
Office of Yeomen
of the Stirrup to
Pope Alexander.

[8.] *Chron.*
Génefs, Col.
1382, n. 10.
[9.] *Réd. de*
Diecio, Col.
533, n. 10.
An. Do. 1162.
The Bishops
and Abbats
swear Fealty
to Henry Son
of King Henry.
Thomas the
Chancellor, or
Thomas Becket
made Arch-
Bishop of
Canterbury.

[1.] *Ibidem*,
Col. 534, n. 10.
Chron., Norm.
f. 993. A.
An. Do. 1136.
The King
comes to Eng-
land, having
compelled all
things in
France.
He Commands
a Recognition
to be made of
his Barons
Rights in
Normandy.

[2.] *Réd. de*
Diecio, Col.
535, n. 10.
The Kings of
South Wales
and North
Wales do Homage
to the King.
[3.] F. 999. B.

Blous [5.] did ill Offices, and made Contention between the two Kings, who after Easter drew their Armies into the Field, one against the other, to defend their Countries, first in *Le Veuxin*, afterward in *Le Danuis*, every day expecting Battle; at length they made Truce without Bloodshed. From hence King Henry after Midsummer marched into *Aquitan*, and besieged the famous Castle of *Agen*, seated upon the River *Garonne*, strengthened as well by Nature as Art, and in a week made himself Master of it, on * St. Laurence-day, to the admiration and terror of the *Gascons*.

The [6.] King spent his Christmas at *Bayeux*, and in the first Sunday in *Lent*, he called together the Bishops, Abbats, and Barons of all *Normandy* at *Rouen*, and made Complaint of the Bishops, their Ministers, and their Vilecounts, and Commanded the * Council of *Lillebon* should be observed.

Some time this [7.] year the two Kings came together at a place on the side of the River *Loir*, and received Pope Alexander with great Honour, and performing the Office of Yeomen or Gentlemen of his Stirrup; and afterward walking on Foot, one led his Horse by the Bridle on the right side, and the other on the left, until they brought him to a Pavillion prepared for him, by whose Mediation a firm Peace was made between them.

The King [8.] busied with Transmarin Affairs, sent over his Chancellor Thomas, to manage his Business in England, and he brought with him Henry the Kings Son, to whom the [9.] Bishops and Abbats of all England, by the Kings Command, swore Fealty, and Thomas the Chancellor was the first that did Homage to him, saving his Faith to his Father, so long as he should live, or would continue King. He came over in April, or the beginning of May, but what was done in England upon his coming, I find not, more than that by the Kings Command and Directions, he was chosen Arch-Bishop of Canterbury in May, and was Consecrated on the Octaves of Pentecost or Trinity-Sunday.

In December following, [1.] the King having ordered and settled his Affairs, and provided for, and furnished his Castles with Men, Arms, and Victuals, in Normandy, Anjou, Aquitan, Gascony, Tourain, and Main, came to *Baylen*, intending to pass into England before Christmas, but detained by contrary Winds, passed that Solemnity, with his Queen Alienor, at *Cherbourg*; and in January they set Sail, and landed at *Southampton* on the 26th of that Month, where he was received by almost all the Nobility with great joy. [2.] Before his coming over, he Commanded *Rotroc* Bishop of *Eureux*, and *Raynald* of *St. Valery* to make Recognitions in the several Bishopricks, what Legal Rents, Rights, and Customs belonged to the King and Barons.

I can find nothing more of moment done this year, [2.] but that *Malcolm* King of *Scots*, *Refe* King of *South-Wales*, *Owen* King of *North-Wales*; and all the greatest Men of that Nation did Homage to the King of England, and his Son Henry, upon the First of July at *Woodstocke*. The *Norman* Chronicle adds, [3.] That he gave his

his Brother David, and some of his Barons Sons Pledges for his good Behaviour, or preservation of Peace, and that the King might have such of his Castles as he pleased.

All the next year is wholly taken up with the Controversie between the King, and Arch-Bishop of Canterbury: and indeed there is very little else to be found in any of our Historians until after his death, which happened in the year 1170. I shall here pass it by, and reserve it to another place towards the end of this Kings Reign, and then report it distinctly.

The Welsh notwithstanding their Homage and Oaths of Fealty made to the King, and notwithstanding their Hostages given, [4.] haras the Marches, and make Incurfions into England. The King raiseth a great Army, enters their Country, and forceth them to crave Peace. The [5.] next year also King Henry marcheth with an Army into Wales, to confirm them in the observation of the Peace, and then passed beyond Sea, where William Talvance Earl of *Seer*, and his Son John, and his Grandchild John, the Son of his eldest Son Guido Earl of *Ponthen*, [6.] delivered to him the Castles of *Alencon*, and *Roc-Mabine*, with what belonged to them, and they lost them for the ill Practices of them and their Predecessors, which King Henry abolished.

From thence he went into *Britany* with an Army, and there [7.] made a Match between his Son Geofry and Constance Daughter and Heir of *Conan* Duke of *Britan* lately dead, though neither of them Marriagable; where though he found opposition, yet he soon reduced his Enemies and the Country to obedience; he besieged the Castle of *Folgeres* in the Confines of *Normandy* and *Britany*, took and raised it to the ground; At *Touars* he received the Homage of almost all the Barons, and from thence he went to *Rennes*, which is the chief City, and by that was seized, or took possession of the whole Dukedom; and because he had neither seen *Dol* nor *Comboureh*, he visited them in the way to his Devotions at *Mont-St. Michael*.

At Christmas King Henry was at [8.] *Poitiers*, where his Son Henry came to him from England; In Lent he had a Conference with the Earl of *St. Giles* at *Grammont*. After Easter he marcheth with his Army into *Avergn*, and wasted the Lands of Earl William, who engaged upon his Faith, to stand to Justice in the presence of the King, in relation to his Nephew, the young Earl of *Avergn*, whom he had disinherited: but he broke his Faith, went over to the King of France, and made Difcord between them.

On Trinity [9.] Sunday the two Kings met in *Veuxin*, where they Treated of Peace, but the great Men of France exasperated their King against King Henry, and so nothing was then done; whereupon both sides fortified their Castles, and brought together what Forces they could. The King of France burnt several Villages between *Mant* and *Pacey*. King Henry provoked by that Action, (though with great deference to King Lewis, saith the Chronicle) burnt the Strong and Rich Castle of *Chaumont* by *Gisors*, which was the King of France his Magazine of Victuals, and there also his Money was

R r

lodged

The Welsh un-
quiesc.
[4.] *Job.*
Bromion, Col.
1059, n. 101.
An. Do. 1165.
[5.] *N.* 30.
An. Do. 1166.

[6.] *Chron.*
Norm f. 1000.
C.
The Earl of
Seer delivers
his Castles to
King Henry.
[7.] *Ibid.* D.
Job. *Bromion*,
us supra, n. 40.
King Henry
Marries his
Son Geofry to
the Daughter
of the Duke
of *Britany*.
And reduceth
the Country
to his Obedi-
ence.

[8.] *Chron.*
Norm. f.
1101. A.
King Henry
marcheth into
Avergn, and
assails the
Title of the
Disinherited
Earl.

[9.] *Ibid.* B.
An. Do. 1166.
A Treaty of
Peace between
the two Kings
without effect.
They burn
each others
Towns and
Villages.

lodged to carry on the War, with very many Villages about it. At which the King of France was much moved, and burnt *Vadum Nigali*, that is, *Gany L'Isle*, and other Villages in *Peuxin*, belonging to the Abby of *St. Owen* in *Roven*; he burnt also the good Town of *Andeli Sur Sein*, which belonged to *St. Mary* and the Arch-Bishop of *Roven*, and wasted some other places appertaining to the Church of *Holy Trinity* of that City.

[1.] *Ibidem*, C. D. A Truce between the two Kings. King Henry subdued *Britany*. *Maud* the Empress dies. Leaves great Treasure to Monasteries, and the Poor. Gives a great Sum toward the building a Stone Bridge at *Roven*.

In August there was a [1.] Truce made, and Sworn by both Kings, until *Easter*. From hence King Henry went into *Britany*, and brought under his subjection all the *Britans*, and those of *St. Pel de Leon*; for *Gumar* Son of *Henry Viscount* of that Town, gave Pledges, and submitted to the King, being much affrighted, when he saw his very strong Castle taken and burnt, and other places either taken or rendred. While he was thus busied in *Britany*, a Messenger came to him with the News of his Mother *Maud* the Empress's death; She died the Tenth of September at *Roven*, and was buried at the Abby of *Bec. Thefauros infinitos, &c.* Her Son distributed her vast Treasure, to Churches, Monasteries, Lepers, and other Poor, for the health of her Soul. She built three Monasteries in *Normandy*, and gave a great Sum of Money toward building the Stone Bridge at *Roven* which she had begun.

[2.] *Ibidem*, F. 1008. Anno Dom. 1167. The *Poitovins* and *Anjovins* Conspire against King Henry. He burns and wastes their Country. They apply themselves to the King of France.

The greatest part of the [2.] *Poitovins* and *Aquitans* Conspired against King Henry, and wasted the Country with Burning and Rapine; he marcheth into their Country, destroys their Towns and Villages, takes their Castles, and puts Garisons into them of his own Soldiers, and leaves those Countries to the Care of his Queen, and *Patrick* Earl of *Salisbury*, while he goes to meet the King of France eight days after *Easter*, between *Mant* and *Pacy*, to Discourse and Expostulate with him about the Injuries he had received from him; for the *Poitovins* had applied themselves to the King of France, and put themselves under his Protection, and given him Pledges for their Fidelity to him, notwithstanding they were King Henry's proper Subjects. There was great Debate between the two Kings about this Matter, but the King of France would not deliver his Hostages, though received against Justice, and therefore the Truce was only prolonged until eight days after *Midsummer*.

The Truce continued.

[3.] *Ibidem*, C. D. The *Britans* Confederate against the King of England.

Before the last [3.] Truce was made, the King of England had Summoned *Eudo* Vicecomes or Viscount of *Porhoet*, who by a false Title was called Earl; he had received many kindnesses from the King, yet refused to come to his Service and Assistance, having Confederated with other *Britans*, (to wit) *Oliver Fitz-Oliver* of *Dinan*, and his Cousin *Rowland*; King Henry was very angry with them, and began first with *Eudo* who was the Chief: he took his chief Castle, and burnt and wasted all his Territories, he took from him the County of *Broguerec*, whereof the City of *Vannes* was the Head, and took possession of that also. After this he marched to *Dinan* and took that, and all the Fortresses in the Country about it into his possession. Then he went to the Lands of *Rowland*, and plundered and burnt them.

He reduceth them by Fire and Sword.

Eight

Eight [4.] days after *Midsummer* the two Kings came together again, at *Ferte-Bernard*, (a Castle in *Main* near the edge of *Perch*) to Treat of Peace, and as before, departed without success; for the *Britans* and *Poitovins*, when they gave Hostages to the King of France, he Covenanted with them, That he should make no Peace with the King of England, without their Consent. Hereupon both sides fortified their Borders, and this sort of skirmishing or fighting continued until *Advent*. King [5.] Henry craftily brought over *Matthew* Earl of *Bologn* to his side, but when he was to come to his assistance, *John* Earl of *Ponthieu* would not permit him to pass through his Country, so that he was forced to Ship his Soldiers, and bring them by Sea; for which denial the King and Earl *Matthew* march into Earl *John's* Country, and burn above forty Towns and Villages. The mean while the King of France burnt the Castle of *Hugh* of *Newcastle*, called *Brueoles*, and wasted almost all the Country of *Perch*.

In the day of [6.] *Epiphany*, or on *Twelf-day*, the two Kings were Reconciled, and made Friends; Henry Son to King Henry did Homage to the King of France, his Father in Law, for the Earldoms of *Anjou* and *Main*, and the Dukedom of *Britany*, which he then gave him; for the Dukedom of *Normandy* he had done Homage before; At the same time his Father in Law made him Senescal of France, which belonged to the Fee of *Anjou*; and then also *Richard* Son of King Henry did Homage to the King of France for the Dukedom of *Aquitain*. In the Feast of the Purification of the Virgin *Mary*, or at *Candlemas*, Henry the Son of King Henry, at *Paris*, served the King of France at his Table, as Senescal of that Kingdom.

King [7.] Henry Conferred with the King of France at *St. Germain En Ley*, and there his Son Henry did Homage to *Philip* Son of King *Lewis*; and *Geofry*, at his Fathers Command, did Homage to him for the Dukedom of *Britany*. In *Lent* King Henry went into *Gafcony*, and destroyed many Castles that were fortified against him, and reconciled to himself, and made Peace with the Earls of *Angoulism*, and *March*, and many others of less Note. In *May* *Geofry* the Son of King Henry came to *Rennes*, and *Stephen* Bishop of *Rennes*, *Anbert* Bishop of *Alith*, and *Robert* Abbat of *Mont-Michael*, and other Religious Persons received him with great Veneration in the Church of *St. Peter*, and there he received the Homage of the Barons of *Britany*.

At *Christmas* following the King kept his [8.] Court at *Nantes*, where were present the Bishops and all the Barons of *Britany*, and all the Earls, Barons, and Freemen that had not done it before, swore Fealty to him, and his Son *Geofry*. From thence he passed into *Normandy*, and put all things into good order there, and then came into *England*, and landed at [9.] *Portsmouth* on the third of *March*; In his Passage there happened a great Storm at Sea, wherein the King was in danger of Shipwrack, one of his best Ships was lost, and several of the Nobility, with 300 Persons of both Sexes perished in her.

[4.] *Ibid.* D. An unsuccessful Treaty.

The two Kings fortifie their Borders. [5.] *Ibidem*, A. B. The Earl of *Ponthieu* denies the Earl of *Bologn* passage through his Country. The Earl of *Bologn*, and King of *England* burn his Towns and Villages.

[6.] *Ibidem*, C. 1168. Peace between the two Kings. Henry Son of King Henry did Homage to the King of France for *Anjou*, *Main*, and *Britany*. He is made Senescal of France.

[7.] *Ibid.* D. An. Do. 1169. He doth Homage to *Philip* Son of King *Lewis*. As also his Brother *Geofry* for *Britany*.

Geofry receives the Homage of the Barons of *Britany*.

[8.] *Rad. de Diceto*, Col. 551. n. 50. *Benedictus Abbas*, p. 29. d. The remainder of the *British* Barons swear Fealty to King Henry and his Son *Geofry*.

[9.] *John Bromton*, Col. 1060. n. 30. King Henry comes for *England*, is in danger of Shipwrack.

R r 2

Soon

[1.] Chron. Gerus. Col. 1410. n. 10. Ben. Abbat. p. 29. b. Inquisitors appointed in all Counties of England.

Soon after his coming into England, [1.] he called together his Great Men, and appointed Abbats and Clerks, Earls and Knights, to pass through the Land, giving them a Form in Writing what they were to do.

Into Kent, Surrey, Middlesex, Berkshire, Oxfordshire, Buckinghamshire, and Bedfordshire, were sent the Abbat of St. Augustins in Canterbury, the Abbat of Chertsey, the Earl of Clare, William de Abrincis, Master de Dammartin, Gerold Fitz-Ralph, Gilbert de Pinkeny, William Fitz-Helt, William Fitz-Nigell, William Fitz-Martin, Ralph of the Hospital, and Ralph de Dene; All these together were to go the Circuit in the Counties aforesaid, and in like manner Inquisitors were sent through all the Counties of England.

[2.] Chron. Gerus. Dorob. Col. 1410. n. 20, 30. Anno Dom. 1170.

These Itinerant [2.] Barons to exact Security and Pledges of all Sheriffs, who were Sheriffs since the King went into Normandy, (which was about four years) and of all that after that time were their Bayliffs or Ministers, whatsoever Bayliwick or Charge they had under them; and of all those which had Hundreds of Barons in any Counties, whether they had them in Farm or Management; That they should be before the King at a day by them appointed, to do such Right to him and his Subjects as they ought to do; and if the Sheriffs could not come before them, they were to send such in their steads as would be answerable for them, and they were to give Security and Pledges, as well for themselves as the Sheriffs, that they would do before the King what the Sheriffs ought to do at the day appointed. And then they were to make this Enquiry.

[3.] Ibidem, n. 50. The Articles of Enquiry.

I. First of all [3.] they were to enquire of the Sheriffs and their Bayliffs, what and how much they received of every Hundred, and every Township, and every particular Man, since the King went last into Normandy, by reason whereof the Nation or particular Men might be grieved; and what they took by the Judgment of the County or Hundred, and what without it; and what appeared to be taken by the Judgment, &c. (i. e. lawfully) was to be written and noted by it self, and what was taken without Judgment, &c. (that is, unlawfully) was also to be written and noted by it self; and of all their takings, they were to enquire the Cause, and with what Testimony or Authority they took any thing from any Man.

[4.] Ibidem, n. 60.

II. Also, They were to enquire, [4.] what Lands, and how much the Sheriffs had bought, or received in Mortgage, or were Pawned to them.

[5.] Ibidem.

III. Also, They were to enquire of the [5.] Arch-Bishops, Bishops, Abbats, Priors, Earls, Barons, Vassals, Knights, Citizens, Burgesses, and their Seneschals or Stewards, Bayliffs or Ministers, what and how much they have received in their Lands after the Term aforesaid, of every of their Hundreds, Townships, or their particular Men, by Judgment or without it; and all the Prises or Takings, the Causes, and Occasions of them, they were to be written and noted distinctly.

[6.] Ibidem, 1411. lin. 5. * That is, when they were void, and the Baronies in Custody or Ward.

IV. Also, They were to [6.] enquire of all those that since the time aforesaid, had any Bayliwick (that is Charge or Employment) under the King, concerning an * Arch-Bishoprick, Bishoprick, Abby, Barony, Honour,

Honour, or Eschaet, what, and how much they gained in that Employment.

V. Also, They were to [7.] enquire of the Kings Bayliffs, (or Officers) who managed his Business, what in any place had been given to them.

[7.] Ibidem, n. 10.

VI. They were to [8.] enquire concerning the Goods of such as * fled by reason of the Assize of * Clarendon, and of the Goods of such as suffered by it: what was done and received of every Hundred, Township, or Man; * They were to enquire, whether any one was unjustly accused in that Assize, for Reward, Promise, Hatred, or any unjust way: or if any one accused, was released, or his Judgment reversed, for Reward, Promise, or Affection, and who received the Reward; They were to enquire concerning the Aid to Marry the Kings Daughter, what was received in every Hundred, in every Township, and of every Man, and who received it.

[8.] Ibidem. * That is Tho. Becke the Arch-Bishop, and his friends.

VII. They were to [9.] enquire what and how much the Foresters took, their Bayliffs, or Ministers, or Servants after the time aforesaid, in their Bayliwicks or Liberties, after what manner, and upon what occasion; and if by Connivance they omitted to exact what was due to the King, for any Reward, Promise, or Friendship; and of the forfeitures of Forests, and of such as forfeited in the Forests concerning Harts, Hinds, or other Wild Beasts. And if the Foresters [1.] or their Servants took any Man, or did upon Accusation take Security and Pledges for him, and then released him without Justice; They were to enquire who did these things, and to note them.

[9.] Ibidem, n. 20, 30.

VIII. And all that were [2.] accused of any Fault were to give Security and Pledges, to appear before the King on the day they should appoint, to do such Right to the King and his Subjects as they ought to do, and such as had no Pledges were to be imprisoned.

[2.] Ibidem, n. 40.

IX. They [3.] were to enquire if the Sheriffs, or any of their Bayliffs, or Lords of Towns, or their Bayliffs had returned any thing they had taken, or had made their peace with their Men, or Tenants, or Vassals, to stop their Complaints for coming before the King.

[3.] Ibidem, n. 50.

X. They [4.] were to enquire who had been Amerced, and if any one had been excused or abated any thing of what he was first Amerced, and by whom it was done.

[4.] Ibidem.

XI. Also, [5.] They were to enquire in every Bishoprick, what, and how much, and for what Cause, the Arch-Deacons, or Deans (Rural Deans) took of any one, and the whole was to be written down and noted; and they were to enquire, who ought Homage to the King, and had not done it to him, nor his Son; and there was a Roll to be made of them.

[5.] Ibidem.

This wonderful [6.] Inquisition was made, and all were commanded to appear before the King at London on the Fourteenth day of June. And upon that day the Bishops, Abbats, Earls, Barons, Sheriffs, Bayliffs, and Aldermen of all England appeared with their Fidejussors, or Sureties, in great fear, for they knew not the Kings Design

[6.] Ibidem, n. 60. & Col. 1412, lin. 4. & n. 10, 20. An. Do. 1170. The day of General Appearance was the Fourteenth of June. Who appeared.

King Henry
caused his
Son to be
Crowned.

The Earls and
Barons do
Fealty to
him.

[7.] P. 19. b.
& p. 30. a.

A great Council
at London.
* Omnes homines
Regni sui,
scilicet Comes,
Barones,
Milites, Fran-
cos tenentes, &
etiam Villani-
cos, &c.

Willielmum Re-
gem Scotie &
Davidem fra-
trem ejus, &
omnes Comites,
& Barones &
Francos tenen-
tes Regni sui
fecit, &c.

The King of
Scots, his Earls
and Barons
swear Fealty
to the new
King.

[8.] Ibidem.
King Henry
goes into Nor-
mandy.

The King of
France angry
that his
Daughter was
not Crowned
Queen.

The new King
made Vice-
Roy of Eng-
land, and a
new Seal made
for him.

[9.] Ibidem,
p. 30. b.

The two
Kings are
Friends.

* Ibidem.

King Henry
fell into a dan-
gerous Sick-
ness in Nor-
mandy.

He divides his
Kingdom and
Lands a-
mongst his
Sons.

[1.] F. 196.
b. n. 40.

Design or Intentions. On that very day he Knighted his Son Henry, (who came out of Normandy but that Week) and presently commanded him to be Anointed and Crowned, all present being assembled, and wondering at this Act. The Arch-Bishop of York performed the Coronation Ceremonies, which ended, the new King, by Command of his Father, received the Fealties of all the Earls, and Barons, and thus freed from their fear, they all departed to their own Homes.

Benedictus Abbas gives a shorter Account of this Inquisition, and in some things different. 'At Easter (saith he) [7.] the King kept his Court at Windsor, where were present at that Feast William King of Scots, and David his Brother, and almost all the Nobility, and Great Men, as well Bishops, as Earls and Barons, from whence after the Solemnity he came to London, and held a great Council for the Coronation of his eldest Son Henry, and concerning the Statutes of the Kingdom. In this Council he turned out of their Offices almost all the Sheriffs of England and their Bayliffs, for abusing his People, and caused them to do Right to himself and them, by causing all the * Men of his Kingdom, Earls, Barons, Knights, Franc-Tenents, and also Husbandmen in every Shire to swear, what, and how much the Sheriffs and their Bayliffs had taken of them, and what with Judgment of the County or Hundred, and what without Judgment, and for what Forfeitures. But by this Inquisition the Nation received much damage, for the King restored some of the Sheriffs to their Places, and they used greater Extortion than before. On the Fourteenth day of June, in the presence of almost all the Earls, Barons, and Noblemen of the Land, he caused his eldest Son Henry to be Crowned, and Consecrated King, by Roger Arch-Bishop of York, and Legat from the Apostolick See, and the day after caused William King of Scots, David his Brother, and all the Earls, Barons, and Franc-Tenents of his Kingdom, to become the Men of the new King his Son, and made them swear Allegiance and Fealty to him against all Men, saving the Fealty they ought to himself.

On [8.] Midsummer-day the King the Father was at Portsmouth, from whence he sailed into Normandy, for that King Lewis of France was angry, that his Daughter Margaret was not Crowned with the new King her Husband, and threatened War there. At his departure he granted to his Son, to do all Right and Justice in his absence, by a new Seal he commanded to be made for him.

On [9.] the Twenty second of July, on St. Mary Magdalens-day, the two Kings met at Vandeure in Main, where upon a Conference they agreed very well.

From this Conference he returned into Normandy, and about the Feast of St. Laurence, or Tenth of August, he fell into so great a Sickness, as it was reported through all France he was dead. In this Sickness he divided his Kingdom and Lands amongst his Sons; To Henry the eldest he gave the Kingdom of England, the Dukedom of Normandy, and Earldoms of Anjou and Main, and left his youngest Son John to be provided for and maintained by him. But Roger

Hoveden

Hoveden says, he gave unto John the Earldom of Merton in Normandy. To his Son Richard he gave the Dukedom of Aquitan, with all its Appurtenances, to be holden of the King of France; And to his Son Geoffrey the Earldom of Britany, with the Daughter and Heir of Earl Conan, to be holden of the King of France.

After King [1.] Henry was perfectly Recovered of his great fit of Sickness, he laid claim to the Arch-Bishoprick of Bourges, as belonging to the Dukedom of Aquitan, which Lewis King of France denied, from whence great Discord arose between the two Kings; The King of England came into Berry with an Army, to take possession of it, encouraged thereunto by the Confession of the Arch-Bishop then upon his Death-Bed, That of Right it did belong to the Duchy of Aquitan; but the King of France coming likewise with an Army into that Country, prevented his Design, and the Discord ended in a Truce until the Feast of St. Hillary following.

Next year King Henry being in Ireland, and busie about the Conquest, and Establishment thereof, (of which more afterward) he had [2.] news of the two Cardinals, Theodinus, and Albertus, the Popes Special Legats, coming into Normandy; with mighty haste he comes from Wexford, arrives in Milford-Haven, and with great dispatch proceeds to Portsmouth, from whence with his Son Henry he passeth into Normandy, and finds the two Cardinals at Caen; by their Advice he was reconciled to King Lewis concerning the Crowning of his Daughter, so as he sent back his Son into England, and with him Rosrod Arch-Bishop of Rouen, Giles Bishop of Evreux, and Roger Bishop of Worcester, to Crown him and Margaret his Wife, and they performed that Solemnity at Winchester in the Church of St. Smithin, on the 27th of August 1172.

After this, about the [3.] Feast of All-Saints, the new King of England with his Queen, according to his Fathers Command. though much against his Will, went into Normandy; when he came to his Father, he sent him to the King of France, who had a desire to see, and speak with his Daughter, he received them both with great Joy and Honour, and they staid some time with him. From this Visit there arose great Mischief, as well to France as England, for King Lewis, who always hated the King of England, advised the new King, that presently upon his return into Normandy, he should Require of his Father either all England, or all Normandy, as a Substantance for him and his Wife; and directed him, that if his Father would grant neither, he should return into France to him. In the mean time the King suspecting the Fraud and Malice of the King of France, of which he had had often experience, sent for his Son and his Wife, they came to him; Towards Christmasts he went into Anjou, and left his Son and Daughter in Law in Normandy.

Walsingham Reports, [4.] That whilst the King was in Ireland, Hugo de St. Maur, and Ralph de Faia, the Queens Uncle, (as 'twas said, by her instigation) began to avert the Mind of the young King from his Father, suggesting to him, It seemed indecent to all Men, that any Man should be a King without a Country or Dominion.

About

[1.] Rog. Hou.
f. 298. d. n. 170.
An. Do. 1170.
King Henry
claims the
Arch-Bisho-
prick of
Bourges, &c.

A Truce be-
tween the two
Kings;

[2.] Ibid. f.
302. b. n. 30.

Young King
Henry and his
Wife Marg-
aret both
Crowned.
An. Do. 1172.

[3.] Ibidem,
f. 304. d. n.
10. 32.

The King of
France makes
Discord be-
tween the
two Kings Fa-
ther and Son,
and lets the
Son to de-
mand either
England or
Normandy of
his Father for
a Substantance.

[4.] Epsod.
Neuftr. f. 447.
n. 40.

Queen Alle-
nor suspected
to have caused
Division be-
tween her
Husband and
Son.

[5.] *Ben. Ab.*
p. 41. d.
Adam de Port
outlawed for
treason, not
appearing up-
on Summons.

[5.] *Ibid.*
p. 104. d. w. 40.
In Hoveden
'tis Monfferat,
but mistaken
for Clermont.

[7.] *Ibid. f.*
105. d. w. 10.
The Earl of
St. Giles doth
Homage to
the King and
his Son Re-
ward for
Tholose.

[8.] *Ben. Ab.*
p. 45. b. Hov.
f. 305. d. w. 30.
The young
King contra-
dicts his Fa-
ther.

The young
Kings mind
alienated
from his Fa-
ther.

[9.] *Ben. Ab.*
p. 46. d.
The young
King leaves
his Father.

And goes to
the King of
France.

[11.] *Ibid.*
The King vi-
sits and
strengthens
his Castles in
Normandy, and
in the Borders.
[12.] *Ibid. b.*
The Authors
of the Conspi-
racy against
him.
Queen Alienor
suspected.

About this time [9.] one Adam de Port was impeached of Treason, for Conspiring the Kings death, and because being summoned by the King, he would not stand to Judgment, he was Outlawed from England.

After [6.] Christmas King Henry sent for his Son to Chinon in Anjou, from whence they went to Averne, to * Clermont, to meet and Treat with Hubert Earl of Maurania, now Savoy, about a Marriage between his youngest Son John, and his Daughter Alice, with whom he was to have had her Fathers Dominions. This Treaty of Marriage was performed, and concluded with the greatest State and Solemnity imaginable; 'tis long, and because she died before it took effect, I have omitted it.

From hence they both went to Limoges, where [7.] Raymond Earl of St. Giles came to them, and became their Man, or did Homage both to the King of England, and Richard his Son Earl of Poitou, to hold Tholose of them in Hereditary Right, by the Service of coming to them upon Summons, and staying in their Service forty days at his own Cost; but if they would have him stay longer in their Service, it was to be at their Charge; and furthermore, he was to give them for Tholose yearly, One hundred Marks of Silver, and ten Horses fit for War, every of them to be worth Ten Marks.

The [8.] Earl of Mauriana followed King Henry to Limoges, to know what Lands or Possessions he would give his Son John, and when he would have given him the Castles of Chinon, Loudun, and Mirabel, the young King contradicted his Father, and would not suffer him to do it, for he took it very grievously, that his Father would not assign him any of his Dominions, where he and his Wife might keep their Residence, when as he had desired England, or Normandy, or Anjou, by the Counsel of the King of France, and the Earls and Barons of Normandy that loved not his Father: From this time he sought occasions and opportunity to recede from him, and would in nothing hearken to his Advice.

Having [9.] therefore dispatched his Business at Limoges, he hastned to come into Normandy as soon as he could, and his Son with him; Coming to Chinon, the King staid there all Night, his Son not having taken his leave of his Father, went forward, and on the Morrow was at Alencon, and the next day at Argentom. His Father followed him, and that Night he was at Argentom, his Father was at Alencon, and that very Night about Cock-Crowing, he with his private family came to the King of France, on the Eighth day of March.

The King [11.] knowing his Son had escaped, feared the treachery of the French, and therefore with great diligence visited his Castles in the Borders of Normandy toward France, and well Manned and Victualled them. Gisors also he strengthened as well as he could; he likewise visited his Castles in Normandy, and sent his Commands to all his Castellans in England, Anjou, and Brittany, that they should strongly guard, and take care to secure the Castles under their Command. [12.] The chief Contrivers of this Treason were Lewis King of France, and as some said, Queen Alienor, and Ralph de Faia; for

for he had with her Richard Duke of Aquitan, and Geofrey Earl of Britany her Sons, and sent them both into France to the young King their Brother, that they might side with him against their Father.

After the departure of the young King, [3.] Richard Bar his Chancellor returned to his Father, and delivered him the Seal he had committed to him, which he received, and caused it to be securely kept. The Servants also which he had placed in his Sons Family, returned to him, and brought with them his Carriages, Sumpters, and Furniture; his Father would not retain them, but sent them back to his Son, and moreover sent by them Silver Vessels, Horses, and Apparel, and commanded them they should serve him faithfully; But when they came, such as would stay, he caused to swear Fealty to him against his Father, and would not permit any to stay with him, that would not take that Oath; To wit, Walter his Chaplain, Edward his Chamberlain, and William Blund his Porter. These came and staid with his Father.

In the mean while Lewis King of France was very kind to his [4.] Son in Law, and to his Brothers, and those that came with them; and caused a new Seal to be made for him, with which he confirmed all his Grants and Donations; he also called together Earl Robert his Brother, Philip Earl of Flanders, and Matthew his Brother Earl of Bologn, Henry Earl of Troyes, Theobald Earl of Blois, and Earl Stephen, and the other Earls, and Barons of France, and also the Arch-Bishops, and Bishops, and all the Clergy and People of France, and held a great Council in Paris, in which he himself swore, he would according to the utmost of his Power assist the young King to maintain the War against his Father, and to gain the Kingdom of England. The like Oath he caused the Earls and Barons of France to swear to him: they first having received the Oaths and security of the young King, and his Brothers, that they would never recede from the King of France, nor make Peace with their Father without his consent, and good liking of his Barons.

In this Council the [5.] young King received the Homage and Fealty of Philip Earl of Flanders, and gave him for his Homage and Fealty, One thousand Pounds yearly Rent in England, and the whole County of Kent, with the Castles of Dover and Rochester. Likewise he received the Homage and Fealty of his Brother Matthew Earl of Bologn, and for them he gave him the whole Soke, or Liberty of Kirketon in Lindsey, and the Earldom of Moreton. He received also the Homage and Fealty of Earl Theobald, and to him he gave 500*l.* by the year of Anjou Rent, the Castle of Ambois, with all the Right he claimed in Turain, and all the Right which his Father and he claimed in Castle-Reginald; All these Donations he confirmed with the new Seal which the King of France caused to be made, and many others. He granted to William King of Scotland for his Homage and Service all Northumberland to the River Tyne; To David his Brother he gave the Earldom of Huntingdon, and as an Augmentation, added all Cambridgehire; To Earl Hugh Bigot, he gave the Honour of Eye to hold in Fee and Inheritance; and the Castle of Norwich in Custody to him and his Heirs for ever.

[3.] *Ibid.*
Young King
Henry's Chan-
cellor brought
his Seal to his
Father.

He caused such
as staid with
him to Swear
Fealty to him
against his
Father.

[4.] *Ibid.*
p. 47. d. Anno
Dom. 1173.
The King of
France receiv-
ed the young
King and his
Brothers kind-
ly, and caused
a new Seal to
be made for
him.
The whole
Kingdom of
France engage
against King
Henry in a
Council.
His Sons not
to make Peace
with him
without his
consent.

[5.] *Ibid.*
4. and b.
The young
King receives
the Homage
of Philip Earl
of Flanders,
Matthew Earl
of Bologn,
Theobald Earl
of Blois, &c.

William King
of Scots, and
David his
Brother do
voluntary Ho-
mage to him.

[6.] *Ibidem*,
f. 306, b. m. 10.
A general In-
urrection
against King
Henry of Eng-
land.

* Often in old
Historians,
they are called
Prodones *Braban-
tini*, the
blouding
Brabanters.
[7.] *Ibidem*,
n. 40.
Albemarle, and
Matthew Earl of
Bologn was shot
with an Arrow,
of which Wound
he died.

[8.] *Ibidem*,
n. 50, f. 306.
a. lin. 1.
The King of
France and his
Son in Law
besiege *Vernol*.
Three Burghs
in that Town
beside the
Castle.
The great
want of Vi-
ctuals.

The great
Burgh gained
by a trick.
The King of
France his
Army flies.
King *Henry*
the elder Re-
lieves *Vernol*.

[9.] *Ibidem*,
n. 30, 40.
Takes *Dam-
ville*.

Sends his *Braban-
ters* into
Britany.

The *Britans*
vanquished in
a pitch'd Field.
Seventeen of
their stoutest
Knights taken.

After *East-r* [6.] the whole Kingdom of *France*, the young King, his Brothers *Richard* and *Geofry*, and almost all the Earls and Barons of *England*, *Normandy*, *Aquitain*, *Anjou*, and *Britany*, rose up against King *Henry* the Father, and wasted his Countries on all sides with Fire, Sword, and Rapine: They besieged and took his Castles, and he resisted, and made what defence he could; he had with him 20000 * *Brabanters* which served him faithfully, but not without great Pay.

Philip Earl of [7.] *Flanders* marched with a great Army into *Normandy*, besieged and took *Albemarle*, and from thence went and besieged *Orienecourt*, which was delivered to him; Here his Brother *Matthew* Earl of *Bologn* was shot with an Arrow, of which Wound he died.

In the mean time the King of *France* and his [8.] Son in Law besieged *Vernol*; but *Hugh Lacy*, and *Hugh Beaumont*, the Constables or Governors, stoutly defended the Town, so as the King of *France* with his great Army and Engines made but small progress against it, though he lay a Month against it. There were within that Town besides the Castle, three Burghs, all separated from each other, and inclosed with a strong Wall, and Ditches full of Water; one was called the great Burgh, against which the King of *France* fixed his Engines without success. After a Month the Defendants wanted Victuals, and made a Truce with the King of *France* for three days, to go to the King of *England* to desire Relief, and if in that time they failed of it, then to deliver the Burgh. The peremptory day appointed was the Vigil of St. Lawrence; At the Request of the Defendants, the King of *England* came to relieve the Town, and drew up his Army; The King of *France* sent to the King of *England* the Arch-Bishop of *Sens*, Earl *Henry*, and Earl *Theobald* unto him, to let him know next day, which was the peremptory day, he would have Conference with him; but he neither came nor sent, and so he by a trick gained the Burgh. When he had it, the King of *France* dare not keep it, but entred the Town, plundered it, burnt the Burgh, and flying carried the Burghers Prisoners with him into *France*. So soon as the King of *England* knew it, he pursued them, killed many, and took very many, and returned that Evening to *Vernol*: Lodged there that Night, and Commanded the Walls that were battered down to be repaired up. This Action was on the 9th of *August*.

Next day he went from [9.] *Vernol* or *Verneuil*, and took *Damville*, the Castle of *Gilbert de Tileres*, and in it *Multos Militibus*, & *Servientes*, many Knights, and Esquires, or Servants; from thence he came to *Roven*, and sent his *Brabanters*, in which he most confided, into *Britany*, against *Hugh* Earl of *Chester*, and *Ralph de Fougères*, (he was Lord of a Castle of that name, in the Confines of *Normandy* and *Britany*) who had seized upon almost all that Country; The Earl, and *Ralph* came to meet them, and in a pitch'd Field and plain Battle the *Britans* were vanquished; those two and the most Potent of the *Britans* fled to the Castle of *Dole*. In the Battle were taken seventeen of the stoutest Knights, *Hasculf* of St. *Hilary*, *William Patricius*, or *Patric*, *Haimar de Falcilia*, *Patric de Landa*, *Geofry*

Geofry *Farf*, *William de Rulent*, *Ralph de Senne*, *John Pincerna*, or *Butler*, the * *Viguer* or Vicar of *Dole*, *William de Leges*, *William de Mota*, *Robertus de Tricham*, *Paganus Cornutus*, *Reginald Pinzun*, *Reginald de Campo Lamberti*, *Endo Bistardus*, besides many others Horse and Foot; and there were slain above 1500 *Britans* in the Battle, which was fought on the Twentieth day of *August*.

The next day [1.] after this Battle the King of *England* had news of it, and forthwith marched towards *Dole*, (which the *Brabanters* presently after their Victory had invested) and gave order for his *Petrars* (*Machins* to cast great Stones into Towns, or against the Walls) to be fitted and prepared, with other Warlike Engines; but the Earl of *Chester*, and such as were with him in the Tower, not being able to defend it, rendred themselves on the Twenty sixth day of *August*; and in like manner all *Britany*, with its *Fortresses* and Places of Strength, was delivered to him. [2.] The Historian names fourscore Earls, Barons, and Great Men that were taken in this Tower or Castle, besides, as he says, many others he did not name.

After these [3.] Victories the King of *France* and his Adherents began to despair, and endeavoured by all means to make Peace between King *Henry* and his Sons. The place appointed for the meeting and Treaty was between *Gisors* and *Trie*. Thither came *Lewis* King of *France*, with the [4.] Arch-Bishops, Bishops, Earls, and Barons of his Kingdom, and brought with him *Henry*, *Richard*, and *Geofry*, Sons of King *Henry*, who came also with the Arch-Bishops, Bishops, Earls, and Barons of his Dominions, on the Twenty fifth of *September*. [5.] *In hoc Colloquio*, In this Conference and Treaty, the King the Father offered the King his Son, half the Rents of his Demelns of *England*, and four Castles there; or if his Son had rather Reside in *Normandy*, he offered him half of the Revenue of that Dukedom, and all the Revenue of *Anjou*, three Castles in *Normandy*, one in *Main*, one in *Anjou*, one in *Turain*. [6.] To *Richard* he offered half the Revenue of *Aquitain*, and four Castles there; and to his little Son *Geofry* he offered all the Hereditary Estate of Earl *Conan*, if by the consent of the Pope he could Marry his Daughter *Constance*. [7.] And further, he referred himself to the Judgment of the Arch-Bishop of *Montier en Tarantais*, and the Popes Legats, to add to their Revenues what they should think just and equal, reserving to himself Royal Justice, Dignity, and Power.

But it was not the mind of the King of *France* such a Peace should be made; for presently after the Treaty, he and the young King [8.] sent *Robert* Earl of *Leicester* with an Army of *Flemmings* into *England*, who with his Countess and Army landed upon the Coast of *Sussex*, about the Feast of St. *Luke*, and were received by Earl of *Sussex* into his Castle of *Framingham*, where he furnished them with Necessaries. The Earl besieged *Hagenet*, a Castle whercof *Ranulph de Broc* had the keeping, and within four days took it; and proceeding from thence to *Leicester*, it was told him, there was a great Force got together about St. *Edmunds-Bury*, and being surprized at the News, he returned.

* He was the
Deputy-Lord,
Castellan, or
Governor of
Dole.
1500 *Strians*
slain.

[1.] *Ibidem*,
n. 50, & b.
lin. 1, &c.
The *Brabanters*
besiege *Dole*
in *Britany*.
The King of
England goes
to him.

[2.] *Ibidem*,
b. n. 10, 20.
The Earl of
Chester taken
Prisoner, and
all *Britany* re-
duced.

[3.] *Ibidem*,
n. 30.
A Treaty be-
tween the
King and his
Sons.

[4.] *Ibidem*.

[5.] *Ibidem*,
His great Of-
fers to them.

[6.] *Ibidem*.

[7.] *Ibidem*,
n. 40.

[8.] *Ben. Ab.*
p. 55. b. &
Howd. us sup.
n. 50.
The Earl of
Leicester
comes into
England with
an Army of
Flemmings.
Hagenet
Castle taken.

[1.] *Ibidem*
Hen. Ab. p. 53. 4.
Hoved. p. 307.
a. m. 10. 20.
Richard Lucy
and Humphry
de Bohun make
Truce with
the King of
Scots.

* This should
rather be Wil-
liam, for Ro-
bert was then
Son to William
Earl of Glou-
cester.
They with the
assistance of
other Earls,
rout the Earl
of Leicester's
Army.
And kill Ten
thousand
Flemings.
The Earl of
Leicester and
his Countess
taken Prison-
ers.
[1.] Ben. Ab.
p. 53. b.
Several
Castles in
Anjou surren-
dered to King
Henry the
elder.
Many Knights,
and Esquires,
or Servientes
taken.

[2.] *Ibidem*.
Vendome
taken.

[3.] *Ibidem*,
p. 54. a.
A Truce be-
twixt the
Kings of Eng-
land and
France.
A Truce with
the King of
Scots, and
300 Marks
given for it.
[4.] *Hoved. f.*
307. a. m. 50.
b. lin. 1.
Two Fortref-
ses erected,
one in the Isle
of Axholm,
another at
Durham.

At this time *Richard de Lucy* [9.] Justiciary of England, and *Humphry de Bohun* the Kings Constable, were gone forth with a great Army to waste the Dominions of the King of Scotland; they had burnt *Berwick*, and spoiled the Country round about it, but receiving the News of the Earl of *Leicester*, they made Truce with the King of Scots, until the Feast of *St. Hillary*, and gave, and took Hostages on either side for the performance of it. This done, *Humphry de Bohun* marcheth as fast as he could toward *St. Edmunds-Bury*, expecting the coming of the Earl of *Leicester*; There came into his assistance *Reginald Earl of Cornwall*, * *Robert Earl of Gloucester*, and *William Earl of Arundel*, about the Feast of *All-Saints* came from *Framingham* with his Army near to *St. Edmunds-Bury*, in a place called *Tornham*, in a Marsh or Meadow not far from the Church of *St. Genovef*; The Earls with a great Army, and *Humphry de Bohun* with three hundred of the Kings choice Horse met him, and with the Banner of *St. Edmund* displayed before them, charged that part of the Army in which the Earl of *Leicester* was, and in a moment his Army was defeated, and he and his Wife taken, as also *Hugh de Castellis* a Noble Frenchman. In this Battle fell Ten thousand Flemings, and the rest were taken, imprisoned, and starved; The Earl of *Leicester* and his Wife, and *Hugh de Castellis*, with the better sort of those that were taken were sent into France, to King *Henry* the elder, and were imprisoned at *Palais* with the Earl of *Chester*.

About the Feast of *St. Martin*, or Eleventh of November, [1.] King *Henry* the Father with his *Brabanters* marched into *Anjou*, and about eight days after *Geoffry de Haya* came to him, and delivered the Town and Castle of *Hay*; The Castle also of *Prulli*, and the Castle of *Campent*, which *Robert de Ble* held against him, were rendered; in which last, *Multi Milites & Servientes capti fuerunt*, many Knights, and their Servants or Men were taken; as for example *Harmeric de Ble*, *Miles*, & *Hosmundus*, *Everardus*, & *Gaufridus*, *homines ejus*, his Men, or such as held of him in Knights Service, or had done Homage to him: and so to the number of forty Knights and Servants, as the Historians do number them.

About the [2.] Feast of *St. Andrew*, or later end of November, he came before *Vendome*, which *Brachard de Lavardin*, having expelled the Earl his Father, held against him, and took it; from whence old King *Henry* returned into *Normandy*.

At *Christmasts* [3.] following King *Henry* the Father was at *Caen* in *Normandy*, where a Truce was made between him and the King of France, from the Feast of *St. Hillary*, or Thirteenth of January, until the Close of, or eight days after *Easter*. At the same time likewise *Hugh Bishop of Duresm* made Truce with the King of Scots at *Revedal* for the same time, and gave him for it 300 Marks of Silver, to be levied upon the Lands of the Barons of *Northumberland*.

In the time of this Truce, [4.] *Roger de Mowbray* erects a Fortref at the Ferry in the Isle of *Axholm*, and *Hugh Bishop of Durham* erected one at *Alverton*.

When

When [5.] the time of the Truce was expired, after *Easter*, the young King *Henry*, and *Philip Earl of Flanders* propounded to raise a great Army, with design to come for England; and how they were diverted from the Voyage see afterward.

The King of Scots also not long after the Close of *Easter*, [6.] having first collected his 300 Marks of the Barons of *Northumberland*, entered it with his Army, and there with his Scots and * *Galwelenses*, or Inhabitants of *Galway*, made great Slaughters and Ravages, (incredible, and beyond the inhumanity of the most Barbarous Nations, as these Authors report them.) His Brother [7.] *David* he sent to *Leicester* to assist that Earls Forces against the King, whilst he besieged *Carlisle*, where *Robert de Vans* was Governor; When he had been a few days before it, he invested the Castle with part of his Army, and with the other part he marched through *Northumberland*, and wasted the Lands of the King and his Barons: and took by Arms the Castle of *Lidell*, which was *Nicholas Stutevills*, and the Castles of *Burgh* and *Appleby* which were the Kings, but in the Custody of *Robert de Stutevill*, and the Kings Castle of *Jerbyworth*, which *Robert Fitz-Richard* kept, and the Castle of *Werby* which *Odonel de Unfravil* held, and then returned to his Army before *Carlisle*, and staid there so long as the Garrison wanted Victuals, when the Governor Articled with him, That he would deliver the Town and Castle upon *Michaelmas*-day following, unless by that time he had Relief from the King of England, and for performance of this, he secured the King of Scots by Oath and Hostages.

From hence he went with his Army and besieged [8.] *Prudhon*, the Castle of *Odonel de Unfravil*, but could not take it; for the *Yorkshire* Army prepared to come upon him, the Commanders whereof were *Robert de Stutevill*, and his Son *William*, *William de Vescy*, *Ranulph Glanvill*, *Ranulph de Thilli* Constable to the Arch-Bishop of *Tork*, *Bernard de Bailoll*, and *Odonel de Unfravil*. The news whereof raised the King of Scots from that Castle, from whence he fled and besieged *Alnwick*, and sent from thence Earl *Duncan*, the Earl of *Anegus*, and *Richard de Morvill*, with almost the whole Army, to harass, pillage, and burn the Countries round about; which Orders they executed with barbarous, and more than inhumane Butcheries and Cruelties (if we believe these Historians.) In the mean time, the Commanders of the *Yorkshire* Army being informed of his Retreat from *Prudhon*, and that he had [9.] besieged *Alnwick*, and sent most of his Army from him, they make towards him with mighty speed: and on a sudden came before *Alnwick*, where they found him secure, sporting with his Soldiers, and fearing nothing, for when he saw them afar off, he thought they had been his own Army under Earl *Duncan*: but when they set upon him, and took him Prisoner, his Soldiers fled; With him they took *Richard Cumin*, *William Mortemer*, *William de Insula*, or *Lisle*, *Henry Revel*, *Ralph de Ver*, *Jordan a Flemming*, *Waldeuf Fitz-Baldwin de Bire*, and *Richard Malus Junellus*. This was done on the Thirteenth day of July.

On the same day [1.] *Hugh Earl of Bar*, the Nephew of *Hugh Bishop of Durham*, landed at *Hertlepole*, with forty Knights from France,

An. Do. 1174.
[5.] *Ibidem*,
lin. 1.

The young
King and Earl
of Flanders
design an Ex-
pedition into
England.

[6.] Ben. Ab.
p. 54. a.
The King of
Scots enters
Northumber-
land with an
Army.

* So the old
Historians
called the In-
habitants of
Galway, and
sometimes
only *Wallenses*.
[7.] *Ibidem*.
The King of
Scots besiege-
th *Carlisle*.
Wastes *North-
umberland*.
Takes several
Castles in that
and the
Neighbouring
Countries.

[8.] *Ibidem*,
p. 54. b.
The *Yorkshire*
Army pre-
pares to Re-
lieve *Carlisle*.

The King of
Scots riseth
from before
it.

His Army bar-
barously
burns and
wastes the
Northern
Countries.
[9.] *Ibidem*,
p. 55. a.
He besiegeth
Alnwick.

And before it
is surprize'd
and taken.

[1.] *Ibidem*.

The Bishop of Durham hearing the King of Scots was taken Prisoner, sent back the Flemmings he had retained.

He puts the Knights or Horse into Alverton Castle. [1.] Ibidem. Infused Prince of Galway rejects the Government of the King of Scots.

Expels his Officers out of his Country. Kills all the English & Fr. he could take. Destroys the Fortresses the King of Scots had raised.

[4.] Ibid. b. Norwich fired. The Soldiers from Leycester fight with the Burgesse and Soldiers of Northampton, and beat them, &c.

[5.] Ibidem. Geoffrey Elect of York destroys the Fortresses in the Isle of Axholm.

[6.] Ibidem. The Castle of Mafarcb taken.

[7.] Ibidem. Nottingham plundered and burnt.

[8.] Ibidem. p. 56. b. Huntingdon Castle besieged.

The Town burnt.

The Earl of Humington claimed in the Kings Court.

[9.] Ibid. & p. 57. a.

The young King of England, and Philip Earl of Flanders come with a great Army to Gravelin, intending to come for England.

France, and 500 Flemmings, for whom the Bishop had sent; but when he heard the King of Scots was taken Prisoner, he remanded the Flemmings, giving them forty days Pay according to Contract, but retained Earl Hugh and his Knights, and delivered to them his Castle of Alverton, which they were to defend.

Hundred the Son of [2.] Fergus, Prince of the Country of Galway, and his Brother Gilbert, so soon as they heard their Lord the King of Scots was taken, with their Galwalens returned home, and expelled out of Galway all the Bayliffs and Ministers, or Keepers, the King of Scotland had imposed on them, and killed all the English and French they could apprehend: all the Fortresses and Munitions the King of Scots had built, and raised in their Country, they besieged, took, and destroyed, and put to the Sword such of the Defendants as fell into their hands.

While these things were done in the [4.] North, Earl Hugh Bigot came with his Flemmings to Norwich, and fired it; and presently after Whitunday, Ansketil Mallore, the Constable of Leicester, went with his Soldiers to the Kings Town of Northampton, and the Burgesse with the Soldiers they had within, went out to meet them; they fought, and the Leycestrians were Victors, carrying away with them 200 Prisoners, and a great Booty.

At the same [5.] time Geoffrey the Kings Base Son, Elect of Lincoln, called together the Forces of Lincolnshire, and besieged the Fortress Roger Mowbray had built in the Isle of Axholm, took it in few days, and demolished it; and as he was going to assist the Leycestrians, he was taken by the Country People at a place called Claye.

So soon as Geoffrey [6.] Elect of Lincoln had taken and destroyed this Castle, he joynd himself to the Arch-Bishop of York, and they besieged Roger Mowbray's Castle of Mafarcb, and took it with many Knights and Servants in it; and it was delivered into the Custody of the Arch-Bishop of York. While these Bishops [7.] were busy in Yorkshire, Robert Earl of Ferrers, with the Soldiers of Leicester, came very early in the Morning to Nottingham, the Kings Town, whereof Reginald de Lucy was Governor, which they presently took without difficulty, and burnt it, killed the Burgesse, and carried many away Captive, and what Prey they could get.

Toward [8.] Midsummer Richard de Lucy besieged Huntingdon Castle; the Garison had burnt the Town before his coming; Richard de Lucy built a Fortress before the Gates of the Castle, so as none of the Garison could go out with safety, and by the Kings Command, put it into the hands of Earl Simon, who claimed the County of Huntingdon in the Kings Court, as his Inheritance: which the King granted to him, if he could get it.

At [9.] Midsummer the young King, and Philip Earl of Flanders, at the Instigation of the King of France, and the Request of the Earls, and Barons of England, came with a great Army to Gravelin in Flanders, where there were Ships ready to Transport them. In the mean while the old King was with his Army in Poitou, and subdued

subdued many Forts and Castles, and at length came to the City of Saintes, entered it and took two Towers, whereof one was called the great Tower, wherein were many Knights, and Esquires, or Seruientes; He likewise besieged the Cathedral, which was fortified and Victualled against him, and within few days possessed himself of that, where he took also many Knights and Servants; afterwards he returned into Anjou, about St. Barnaby he took Ancena, the Town of Guinon de Ancena, and built there a strong Fortress, and placed a Garison in it; After this he wasted the whole Province, and extirpated the Vines, and Fruit-Trees, and then returned into Normandy.

The young [1.] King, and the Earl of Flanders were yet at Gravelin, detained with contrary Winds; King Henry the Father, to oppose, and bring to nothing what they might do in England, he went speedily to Barfien, and landed at Southampton the Eighth of July, with both the Queens, the Brabanters, and his Prisoners, the Earls of Leycester and Chester; From thence he went toward Canterbury, and so soon as he saw the Cathedral there, where Arch-Bishop Thomas was buried, he behaved himself, as will be related afterward. His Devotion, or Submission, and Penance there ended, he moved with his Army toward Huntingdon, and besieged it, and forced it to surrender on the Twenty first of July, upon Mercy, saving the Lives and Limbs of the Defendants.

From thence the King marched [2.] with his Army toward Framingham Castle, where Hugh Bigot was with a great Force of Flemmings, and pitch his Tents before it, and on the Morrow, on the Twenty fifth of August, the Earl came, and made Peace with the King, and delivered his Castles of Framingham and Bungey, and with great difficulty obtained of him, that the Flemmings might depart home; From thence the King went to Northampton, where came to him the Bishop of Durham, and delivered him that Castle, the Castles of Norham and Alverton, and he scarce could obtain of the King, that Hugh Earl of Bar his Nephew, and the Soldiers or Knights that came with him out of France, should return from whence they came. And on the same day, the Thirty first of July, came to him Ansketil Mallore, and William de Diva, Constables of the Earl of Leycester, and rendred the Castles of Leycester, Montfort, and Groby; and the same day came to him Roger Mulbray, or Mowbray, and rendred his Castle of Treke; and then also came the Earl of Ferrers, and delivered his Castles of Stutesbury, and Duffeld.

While [3.] these things were doing in England, the King of France recalled the young King and Earl of Flanders from the Sea Coast, and with a great Army besieged Rouen, but prevailed little against it, for the Barons, and Knights of Normandy, that heartily loved Henry the Father, put themselves into the City, and courageously defended it. This news coming to King Henry the elder, his Affairs in England being in a great measure settled, with great speed he went to Portsmouth, and on the Eighth of August, being Friday, landed at Barfien in Normandy, and carried with him his Brabanters, and One thousand Welsh; With him he also carried William King of Scots,

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[2.] Ibidem. & Ben. Abb. p. 27. b. He marcheth to Framingham. Earl Hugh Bigot delivers that and Bungey Castle to him.

The Bishop of Durham delivers his Castles. The Constables of the Earl of Leicester delivers his Castles. Roger de Mowbray and Earl Ferrers deliver their Castles.

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Scots, the Earls of *Leycester*, and *Chester*, and first imprisoned them at *Can*, and afterward at *Palais*. On Sunday next he came to *Rozen*, the next Morning early he sent the *Welsh* beyond the River *Seyn*, to search the Woods on that side of the Town, where the King of *France* was with his Army, they met with forty Waggon's laded with Wine and Victuals from *France*, the Drivers and Convoy fled, the *Welsh* pursued and took some, and killed others, and returning to their Prize, they broke the Waggon's, and staved the Wine Vessels, leading away the Horses. The Report whereof coming to the King of *France* and his Army, they thought of nothing but flight. The King of *England* in the mean time cleared the Gates the Citizens had stopped up, and marching out, filled up the Ditch which was drawn between the King of *France* his Army, and the City. The King of *France* then Commanded, That his Stone-Casting, and other Warlike Engines should be broken, and burnt; He also Commanded his Soldiers to Arm. The King of *England* came up to his Tents with his Soldiers, or Knights, and their Servants; and the King of *France*, his Knights, and Servants, or Esquires, came out of their Tents, and charged furiously the *English*, who took and wounded many of them, and killed most of their Horses. Next Morning *William* Arch-Bishop of *Sens*, and *Theobald* Earl of *Blou*, came to the King of *England*, and asked Leave that the King of *France* might safely Retreat with his Army to *Malbaun*, upon Condition he came next day to Treat with the King of *England*; and that he should do so, they both obliged themselves by their Faiths and Oaths; and so the King of *France* departed with his Army to the place appointed, and there staid; but about Midnight, he privately caused his Soldiers to march, and they halted not until they came into *France*: not regarding the Faith and Oaths of the Arch-Bishop or Earl, by which for his advantage they had obliged themselves. This Retreat of the King of *France* happened on the Fourteenth of *August*.

On the day following the Arch-Bishop and Earl came again [4.] to King *Henry* the Father, and propounded a * Conference or Treaty between him and the King of *France* at *Gifers*, upon the Feast of the Nativity of the Virgin *Mary*, or Eighth of *September*; at which time they met, but could not agree: but appointed another Colloquium or Treaty on *Michaelmas*-day, between *Tours* and *Ambois*, upon Condition, that the King of *England* the mean while might march into *Poitou*, to subdue his Son *Richard*, they swearing, That neither the King of *France*, nor the young King, nor any for them, or on their Party, should give, or send him Relief. When he came into *Poitou*, his Son *Richard* dare not stand him, but fled from every place where he thought he would come, and relinquished the Castles, and Fortresses he had formerly taken; and when he heard the King of *France* and his Brother, had made Truce with the King his Father, and excluded him, he was mightily troubled, and came weeping, and cast himself at his Fathers Feet, and asked his Pardon. He moved with Paternal Compassion, received him into favour, and kissed him: [5.] This Peace was made between his Father and him on the Twenty third of *September*. *Richard* went with his Father to meet the King of *France*, and his Brother, that he might inform them what he had done. On *Michaelmas*-day all Parties met between

Tours

The *Welsh* take a French Convoy of Wine and Victuals.

The *English* beat the French.

The Siege raised.

The King of France regards not his Promise.

An. Do. 1174. [4.] Ibidem, p. 58. b. & p. 19. d.

* Colloquium, That was the word as much used in the old Historians, French and English, as Concilium was for a Parliament.

Richard Earl of *Poitou* Rebels against his Father. He flies before his Father, and leaves his Castles and Fortresses. He casts himself at his Fathers Feet, and begs Pardon. [5.] Ibidem, p. 59. a. Hoved. f. 309. a. n. 30. 403. 50. Who forgives him.

Tours and *Ambois*, according to Agreement, and the day following the young King and his Brothers, according to the Advice of the King of *France*, submitted themselves to their Fathers Mercy, and made with him Articles of Peace, and confirmed them with their Seals.

All his Rebel-
lous Sons
submit to his
Mercy.

I. The young King [6.] *Henry*, and his Brothers *Richard*, and *Geofry*, should return to the Obedience of their Father, notwithstanding any Oaths (of which they were to be absolved) they had made between themselves, or with others, against him or his Men.

[8.] Append.
n. 35.
Articles of
Peace be-
tween old
King *Henry*
and his Sons.

II. That all their Men (Tenants in Military Service, or such as had otherwise done Homage to them) and Barons, (such as held immediately of them their Baronies) that had for their sakes receded from the Fidelity they ought to their Father, were by them to be freed, and acquitted from the obligation of such Oaths and Covenants they had made with them, and so were to return into the Homage and Allegiance of their Lord the King.

III. The King, his Men, and Barons were to re-have, and possess all their Lands, Castles, &c. which they had fifteen days before the Rupture between Father and Sons. Likewise the Kings Barons and Men, that left him, and followed his Sons, were to have again all their Lands, they had at the same time.

IV. The King the Father remitted all Evil Will towards his Barons and Men which left him, so as for that he would do them no Evil, so long as they served him faithfully, as their Liege Lord. The like the young King remitted to all Clerks and Laicks which were in his Fathers Service, and gave Security he would not procure their hurt or damage in his whole Life.

V. By this Concord the King was to give his Son *Henry* two convenient Castles in *Normandy*, by his own appointment, and 15000 l. yearly of *Anjou* Money. To his Son *Richard* two convenient Receptacles or Places of Receipt in *Poitou*, so as no damage might accrue to his Father from them, and in Money half the Revenue of *Poitou*. To his Son *Geofry* he gave in Money half the Fortune or Revenue he was to have by his Marriage of *Earl* *Conans* Daughter, and after he was Married to her, (by Consent of the Pope) the whole Revenue, as *Earl* *Conan* had directed.

VI. The Prisoners that had Compounded, and made their Compositions with the King, (that is) *William* King of *Scotland*, the Earls of *Leicester* and *Chester*, and *Ralph* of *Pougeres*, and their Pledges, were exempted out of this Concord. But the other Prisoners on both sides were to be delivered, and set free, yet so, as the King should take Pledges of such as he pleased, and such as were able to give them; and of others he was to have their Fealty and Oath, and Security of their Friends.

VII. The Castles that were fortified in the time of the War, were to be in the same Condition they had been before the War.

T t

V III.

VIII. That Henry the young King should firmly observe the Donation made by his Father to his Brother John; That is to say, One thousand Pounds yearly out of his Demesnes and Escheats in England, the Castle of Nottingham with the County, the Castle of Malborough, with its Appurtenances; In Normandy, One thousand Pounds by the year of Anjou Money, and two Castles, such as his Father would appoint; In Anjou, and the Lands that were the Bails of Anjou, One thousand Pounds yearly of Anjou Money, and one Castle; and in Turain one Castle, and in Maine one Castle.

IX. The King for the love of his Son, pardoned all forfeitures of such as left him, and adhered to his Son, so as they were not to answer for them; but for Death, Treason, and the loss of a Member, they were to answer according to the Judgment and Custom of the Land; If any one had forfeited any thing before the War, he was to stand to * Judgment for that; They that were engaged in any Plea or Suit, the Plea or Suit was to be in the same state and condition it was before the War.

X. King Henry the Son gave his Father Security, that he would keep this Concord; As also he and his Brothers gave him Security, that they would not exact more of him against his Will, than what he had given, and that they would never withdraw their Services from him. Richard and Geoffry became his Men, (that is, did Homage to him) for what he had given them, and what they held of him; Henry would have done it likewise, but his Father would not receive it, because he was a King, yet he took Security of him.

At the same time [7.] there was a Dissention between *Ulfred* and *Gilbert* the Sons of *Fergus*, who should Rule in the Country of *Galway*, so that they both contrived, and laid Designs to kill each other. *Gilbert* called his Men together, and Consulted with them how they might take and destroy his Brother; His Son *Malcolm* not long after sets upon the Island in which *Ulfred* Resided, and took him, and commanded he should be slain, first having ordered he should be Emaculated, and have his Eyes pulled out. The King not knowing this, sent one of his Clerks, by name *Roger de Hoveden*, to *Robert de Paus* Governor of *Carlisle*, that they two might go to the two Brothers aforesaid, and endeavour to bring them into his Service. When they came to Discourse with *Gilbert* and the *Galwegians*, about the Twenty third of *November*, they offered them, to the use of the King, 2000 Marks of Silver, and 500 Cows, and 500 Hogs, as a yearly Rent, upon Condition he would receive them into his Protection, and secure them from the Servitude of the King of *Scots*. But these Messengers would conclude nothing, until they spake with the King of *England*, who when he had heard how *Ulfred* his Kinsman was slain, he would make no Peace with the *Galwegians*.

At *Christmas* [8.] the King was at *Argentan* in *Normandy*, and from thence sent his Son *Richard* into *Poitou*, to reduce the Castles of his Earls and Barons, which they had fortified against him, to the same Condition they were in before the War, and to demolish such as he thought fit, and by his Letters Ordered the Army of *Poitou*, his Bayliffs, and Ministers, to be assitant to him. On the Second of

February

* Or the Law.

[7.] *Ben. Abb.* p. 60. b. *Gilbert* kills his Brother *Ulfred* Prince of *Galway*.

Roger Hoveden and *Robert de Paus* sent to Treat with him.

King *Henry* hearing of the Murder of *Ulfred* refused Peace with the *Galwegians*.

[8.] *Ibidem* p. 61. b. & 62. a.

He sends his Son *Richard* into *Poitou*, to demolish the Castles and Fortresses there, that had been fortified against him.

February the two English Kings were at *Mans*, and from thence came into *Normandy*, and the Twenty fourth of that Month they had a Conference with the King of *France* at *Gisors*, and went from thence to *Rouen*, where he left his Son, and went on into *Anjou*, and fortified his own Castles, and demolished some others, and the Residue he reduced to the same State they were in before the War; and from thence came to *Caen* in *Normandy*, and sent for his Son to come to him, to go over with him into *England*: at first he refused, upon the suggestions of People, That if his Father got him into *England*, he would put him in Prison; at length his Father plying him with many Messengers and good words, so wrought upon him, as he came to him to *Bure*, and there before the Arch-Bishop of *Rouen*, and *Henry* Bishop of *Baiuix*, and *William* Earl of *Magnavill*, and *Richard* *Humer* Constable of *Normandy*, and other the Kings Friends and great Officers, threw himself with Tears at his Fathers Feet, beseeching him to receive his Homage and Allegiance, as he had his Brothers; And added, That if his Father would not receive his Homage, he could not believe he loved him. At length, by the persuasion of the Standers by, he received his Homage and Allegiance, and sent him to the King of *France*, while he went to *Valoingues*, and from thence to *Cherbourg*, where his Son came to him; and from thence they both went to *Caen* to meet *Philip* Earl of *Flanders*, who delivered up the Chart of the Donation made to him by the young King, and then they Confirmed to him the Revenue he used to receive in *England* before the War. From *Caen* they went to *Barfieu*, and arrived at *Portsmouth* on the Ninth of *May*. But before his coming over he sent his Son *Geoffry* into *Britany*, and commanded him to demolish the Castles and Fortresses that had been fortified against him in that Dukedom.

The King [9.] impeached the Earl of *Gloucester*, for that he forced his Soldiers out of the Tower of *Bristol*, and kept it in his hands during the time of the War; and he willing to satisfy the King, delivered him the Tower. He likewise impeached all the Earls, Barons, Clerks, and Laicks of *England* concerning their Forfeitures in his Forests, and for Hunting in the time of War, and caused them all to be fined, notwithstanding *Richard de Lucy* Justiciary of *England* appeared on their behalf, and vouched the Kings Mandate from beyond Sea, by which he was impowred to grant them License to Hunt, &c.

On the Tenth of *August* [1.] both Kings were at *Tork*, where *William* King of *Scotland*, and *David* his Brother, Cum universis sere Episcopis, Abbatibus, & aliis Magnatibus terrarum suarum, says *Hoveden*, with almost all the Bishops, Abbats, and great Men of his Land. *Abbat Benet* says, That the King of *Scots* met him there, & secum adduxit omnes Episcopos, Comites, Barones, Milites, & Francos Tenentes terre sua a maximo ad minimum, and brought with him all his Bishops, Earls, Barons, Knights, and Franc-Tenents, or such as held by Military Service from the greatest to the least. The Business of this great Meeting was to renew the Peace and Agreement the King of *Scots* had made with the King of *England*, when he was his Prisoner at *Falais* in *Normandy*. The Effect where of was.

The young King unwilling to go with his Father into *Normandy*.

Young King *Henry* doth Homage to his Father.

They both come for *England*.

An. Do. 1175. The Castles and Fortresses demolished in *Britany*.

[9.] *Ibidem* p. 65. b. & 66. b. The King impeads the Earl of *Gloucester*, and all the Earls, Barons, Clerks, and Laicks in *England*.

[1.] *Hoved.* f. 311. b. n. 30. 40. *Ben. Abb.* p. 66. b. 67. a. & b. Both Kings meet at *Tork*, where the King of *Scotland*, and *David* his Brother did Homage to them

T t 2

1. 'That

1. 'That the King of *Scotland* and *David* his Brother did Homage to King *Henry* for all the Territories they were possessed of, namely, *Scotland* and *Galway*, and did Swear Allegiance and Fealty to him against all Men. The like they did to *Henry* his Son, saving their Allegiance and Fealty to his Father.

The Bishops and Abbats of *Scot* and swear Allegiance and Fealty to the Kings of *Eng*land and their Heirs.

2. 'In like manner *Richard* Bishop of *St. Andrews*, *Jocelin* Bishop of *Glasco*, *Richard* Bishop of *Dunkeld*, *Christian* Bishop of *Galway*, *Andrew* Bishop of *Catnes*, *Simon de Thoun* Bishop of *Mur*rey, the Abbat of *Kelzan*, *Laurence* Abbat of *Malros*, and the Abbat of *Newbottle*; and besides those all the Abbats of *Scotland* did Swear Allegiance and Fealty, by the Command of the King of *Scotland*, to both Kings of *England*, and their Heirs for ever.

They swear Subjection to the Church of *England*.

3. 'The same Bishops sware, That if the King of *Scotland* observed not this Agreement with the King of *England*, they would put him and his Land under an Interdict, until he submitted himself to his good pleasure. They also sware, they would continue the same Subjection to the Church of *England* their Predecessors were used to observe, or such Subjection as was due unto it.

The Earls and Barons of *Scotland* swear Allegiance to both the King and his Son *Henry*.

4. 'In like manner the Earls and Barons, by Command of the King of *Scotland*, did Homage, and sware Allegiance and Fealty to both Kings against all Men, viz. Earl *Duncan*, the Earl of *Angus*, and Earl *Waldef*; and they sware, That if the King of *Scotland* should recede from the Agreement, they would assist the King of *England* against him, until he made satisfaction according to his Will.

The Agreement between the King of *England* and *Scotland* Sealed. Several Cautionary Towns and Castles put into the King of *England*'s hands.

And then the King of *England* caused the Agreement between him and the King of *Scotland* to be read before them all, and to be Confirmed with his Seal and the Seal of his Brother *David*; which see in the *Appendix*, n. 167. But besides their Seals, he had for his Security the Castles of *Rokesburgh*, *Berwick*, *Gedwirth*, *Edinburgh*, and *Sterling*, put into his Hands, which were to be maintained by a proportionable Allowance out of the Revenue of the King of *Scotland*, by assignment of the King of *England*.

[2.] *Ibidem*, p. 69. 4. The King of *England* gives leave to the King of *Scots* to go into *Galway*.

After [2.] the dispatch of this great Affair at *Tork*, King *Henry* gave leave to the King of *Scots* to march with his Army into *Galway*, to subdue *Gilbert* Son to *Fergus*, that had receded from his Fealty, and wickedly slain his Brother *Ottred*.

[3.] *Hoved.* f. 313. 4. n. 50. The King holds a Council at *Northampton*.

On the Twenty fifth of *January* [3.] the King held a great Council at *Northampton*, with the King his Son, and with the Arch-Bishops, Bishops, Earls, and Barons, concerning the Statutes and Laws of the Kingdom: and by common Advice of them all divided it into six parts, into every one of which he sent three Justices; which were these.

I.

I.

Hugh de [4.] Cressi.
Walter Fitz-Robert.
Robert Mantel.

Norfolke.
Suffolke.
Cambridgeshire.
Huntingtonshire.
Bedfordshire.
Buckinghamshire.
Essex.
Hertfordshire.

[4.] *Ibid.* b.

II.

Hugh de Gundevill.
William Fitz-Ralph.
William Basset.

Lincolnshire.
Nottinghamshire.
Derbyshire.
Staffordshire.
Warwickshire.
Northamptonshire.
Leicestershire.

III.

Robert Fitz-Bernard.
Richard Giffard.
Roger Fitz-Rainfray.

Kent.
Surry.
Hampshire.
Suffex.
Berkshire.
Oxfordshire.

IV.

William Fitz-Stephen.
Bertram de Verdun.
Turstan Fitz-Simon.

Herefordshire.
Gloucestershire.
Worcestershire.
Shropshire.

V.

Ralph Fitz-Stephen.
William Rufus.
Gilbert Pipard.

Wiltshire.
Dorsetshire.
Somersetshire.
Devonshire, and
Cornwall.

VI.

Robert de Vau.
Ranulp de Glanvill.
Robert Pikenor.

Torkshire.
Richmondshire.
Lancastershire.
Coupland.
Westmerland.
Northumberland.
Cumberland.

And

[r.] *Idem*,
n. 40.
The King
Swears his
Justices to ob-
serve his Sta-
tutes.

And then [5.] the King caused all these Justices to Swear, they would truly and justly, without any Artifice, keep the underwritten Statutes, and cause them to be kept inviolably by his Subjects.

The Assises or Statutes of King Henry made at Clarendon, and Renewed at Northampton.

I.

The Trial by
Water Ordeal
Established.

IF any one was Accused before the Kings Justices, of Murder, Theft, or Robbery, or for receiving such Malefactors, or of Forgery, or Malicious Burning of Houses, by the Oaths of twelve Knights of the Hundred, and if there were not Knights present, then by the Oaths of twelve Lawful Freemen, and by the Oaths of four Men of every Town of the Hundred, let him go to the Judgment or Trial of *Water*, or *Water Ordeal*; and if he appears Guilty, let one Foot be cut off; And at *Northampton* it was added, for the Rigor of Justice, That he should besides his Foot, have his Right Hand cut off, and to abjure the Kingdom, and leave it within forty days. If he be Innocent, let him find Pledges and Sureties, and stay in the Kingdom, unless he be accused of Murder, or any heinous Felony, by common Fame, or Report of Legal Knights of the Country; then though acquitted by the Trial of *Water*, he was to go out of the Kingdom within forty days, and carry his Goods with him, (saving the Right of his Lords) and to be at the Kings pleasure for abjuring the Kingdom. This Statute shall take place from the time the Assise or Statutes were made at *Clarendon*, until this time, and as much longer as the King pleaseth in Murder, Treason, and Malicious Burning, and in all things aforesaid, except in small Thefts and Roberies, which were committed in the time of War, as of Horses, Oxen, and lesser things.

II.

It shall not be Lawful for any Man in Burgh or Town to Lodge a Stranger above one Night in his House, without bringing him to Examination, unless he hath a reasonable Excuse, which the Host is to make known to his Neighbours; and when he goes from his House, he is to do it before his Neighbours, and in the day time.

III.

Si quis falsatus de Murdero, vel de Latrocinio, vel Roberia, vel falsoneria, & inde sit cognoscens, vel de aliqua alia Felonia, &c. If any one be apprehended for Murder, or Theft, or Robbery; or Forgery, or any other Felony he hath committed, and confesseth it before the Hundredary, or Chief Magistrate of the Hundred or Burgh, and before Lawful Men, he cannot deny that afterward before the Justices. *Et si idem sine falsina coram eis aliquid ejusmodi*

receg-

No one can
deny any Fe-
lony he hath
committed be-
fore the Ju-
stices, or
what he hath
committed be-
fore he be ap-
prehended.

recognoverit, &c. And if any one without being apprehended shall confess or acknowledge any such Crimes before such Persons, he cannot deny it before the Justices.

IV.

Si quis obierit Francus Tenens, &c. If any Franc-Tenant dies, his Heirs shall remain in *Tali salsina qualem pater suus habuit, &c.* in such Possession as their Father had of his Fee in his Life time, and they shall have his Carals or Goods, and satisfy the Devile, or Legacies of the Defunct; and afterwards they shall repair to the Lord, and satisfy him for his Relief, and do all other things they ought concerning their Fee; and if the Heir be under Age, the Lord may receive his Homage, and have the Wardship of him so long as he ought; other Lords (if he have any) may receive Homage of him, and he may do to them what he ought; The Relict of the Defunct may have her Dower, and such part of the Goods as belong to her. If the Lord of the Fee denies the Seisin or Possession to the Heirs of the Defunct which they claim, the Kings Justices may make Recognition by twelve Legal Men, what manner of Seisin the Defunct had in his Life time, and according to the Verdict restore it to the Heirs; And if any one doth contrary to this Statute, and be thereof attainted, (*& inde attaintus fuerit*) he shall remain in the Kings pleasure.

Heirs to inher-
it what the
Father died
seized of, and
to satisfy Le-
gacies.
If under Age,
the Lord of
the Fee to re-
ceive his Ho-
mage and
Wardship.
The Relict to
have her
Dower.

V.

The Kings Justices shall cause a Recognition to be made of Disfranchises, from the precise time the King came into *England*, after he made Peace with the King his Son.

VI.

The Justices shall Administer the Oath of Fealty to the King by the Close of eight days after *Easter*, or at furthest eight days after *Whitsunday*, to all Earls, Barons, Knights, Free-Tenents, and also to Rufficks or Husbandmen, who will stay in the Kingdom, and he that will not take the Oath of Fealty, shall be taken as the Kings Enemy; and the Justices have power to command all such as have not done Homage and Allegiance to the King, to come at a time appointed by them, and do to them as to their Liege Lord.

The Oath of
Fealty to be
Administered
to all Persons
within eight
days after
Easter or
Whitsunday;
All that refuse
to be looked
on as the
Kings En-
emies.

VII.

The Justices shall do all manner of Law and Right belonging to the King, or his Crown, by his Writ, or the Writ of his Vice-Roy in his absence, concerning half a Knights Fee or under, unless the Controversie be so weighty, as it cannot be ended without the King, or of such a nature, that the Justices ought to Report it to him for his satisfaction, or to his Lieutenants or Vice-Roy, and they shall according to the best of their skill and power do what is for the Advantage of the King.

The Justices
empowered
to do all man-
ner of Right
in the Kings
absence.
If the Con-
trovercie be
weighty, to
be referred
to the King
or his Vice-
Roy.

VIII.

VIII.

* *Affisa* sometimes signifies *Mulla*. The Justices to inflict Punishment upon Malefactors by the Kings appointment.

'*Faciant etiam* * *Affisa* de Latronibus iniquis & Malefactoribus terræ, quæ affisa est per Consilium Regis, filii sui, & Hominum suorum, per quos iuri sunt Comitatus. The Justices also shall inflict such Punishment upon Thieves and wicked Malefactors in those Counties they pass through, which was set and appointed by Direction A of the King, his Son, and their Men.

IX.

The Justices to take care that Castles be demolished and destroyed.

'The Justices shall take care, that the Castles that are demolished, be thoroughly demolished, and that such as are to be destroyed be levelled with the Ground; and unless they do this, the King will have them judged in his Court as Contemnners of his Precept. B

X.

'The Justices shall enquire of Escheats, of Churches, Lands, and Women that are in the Kings Donation.

XI.

The Kings Bayliff to answer Perquisites as well as set Rents.

'The Kings Bayliffs shall answer at the Exchequer, as well for the Perquisites, as the set Rents in their Bayliwicks, except such as belong to the Sheriff and his Office. C

XII.

'The Justices shall enquire of Castle-Guards, and from whom, and how much, and where they are due, and shall inform the King thereof. D

XIII.

'A Thief when he is taken is to be committed to the Sheriff, if the Sheriff be not near, he is to be carried to the next Castellan, or Constable of a Castle, and he is to keep him until he delivers him to the Sheriff. E

XIV.

Those that flee out of the Land to be Outlawed, if they return not within an appointed time.

'The Justices shall cause Enquiry to be made, by the Custome of the Land, for such as are fled or gone out of the Kingdom, and unless they will return within an appointed time, and stand to Right in the Kings Court, they shall be Outlawed, and their Names returned into the Exchequer at Easter and Michaelmas, and from thence sent to the King. F

[6.] *Hoved.* f. 314. b. n. 40.

In the Feast [6.] of Easter this year, young King Henry, and his Son Richard Earl of Poitou, and Geoffry Earl of Britany, were with their Father at Winchester, and after that Solemnity, the three Sons

Sons with their Fathers leave passed into Normandy, Richard forthwith went into Poitou, raised an Army, and fought with the Brebanters, and overcame them, and by the assistance of his Brother King Henry, he took many Towns and Castles, and forced the Submission of many Viscounts, or Sheriffs, of Towns with small Territories, and Castles, in Poitou, and the Places adjoining unto him.

A And in the same year not long after, [7.] the King caused the Walls and Castle of Leicester to be demolished, as also the Castles of Groby, Treske, Malesart, and the new Castle at Aberton, the Castles of Framingham, and Bungey, and almost all the Castles of England and Normandy that were fortified against him; The Castle of Pasfi or Pacey in Normandy he retained in his own hands, and placed a Garison in it; as likewise the Castle of Montsorrel, which was Sworn to be his own Propriety, by Recognition of Lawful Men B of the Vicanage.

About the beginning of October [8.] this year, William King of Scotland came into England to the King, and brought with him Gilbert Son of Fergus Prince of Galway, who killed his Brother Ulfred, who did Homage to King Henry the Father, and sware Fealty to him against all Men, and gave to the King to be restored to favour, or for his Peace, One thousand Marks of Silver, and his Son Duncan C an Hostage or Pledge for his Peaceable and Loyal Behaviour.

In a General Council at [9.] Northampton, soon after St. Hillary, or the Thirteenth of January, the King restored Robert Earl of Leicester to all his Lands in England and beyond Sea, which he had fifteen days before the War, except Pacey, and Montsorrel Castles; And also Hugh Earl of Chester all the Lands he was possessed of at the same time; and to William de Albeny, Son of William Earl of Arundel, the Earldom of Suffex. D

Alfonso [1.] King of Castile, and Sanfius King of Navarre, after many Debates, and much Wrangling, referred all their Claims and Controversies to be determined by the King of England, and there were sent several Bishops, and Great Men, and choice and able Persons, Proctors, and Advocates, to Alledge and Answer for either of them, and to receive the Judgment of the Court of England. With E these came two Knights and Champions of wonderful Courage and Audacity, bravely accounted with Horse and Arms, and fitted for Duel, if Judgment had been that way given in the Kings Court. These Messengers came into England between Christmas and Lent, and the King summoned all the Bishops, Abbats, Priors, Earls, and Barons to meet at London on the first Sunday in Lent; when they were come together, the King ordered the Proctors and Advocates on both sides to bring in their Claims and Allegations within three F days in Writing, and so interpreted as he and his Barons might understand them; which when they had heard read, and also heard the Allegations on both sides, the King ordered [2.] the Messengers before his Bishops, Earls, and Barons, to be there again, all Excuses laid aside, upon Sunday following, to receive his Judgment. So that this great Affair was determined in eight days. The Demands, Allegations, and Pretences on both sides, and the whole Process, with

Young Henry with his Brothers go into Normandy. Richard with his Brother Henry overcomes the Brebanters, and reduces them.

[7.] lb. f. 316. b. n. 10, 10. The King demolishes several Castles in England and Normandy.

[8.] Ibidem, f. 317. a. n. 50. The King of Scot and brings Fergus Prince of Galway to the King of England.

[9.] lb. f. 320. a. n. 30. The King restores several Noblemen to their Lands and Dignities.

[1.] Ibid. b. n. 30. 40. 50. An. Do. 1177. The Kings of Castile and Navarre refer their differences to be determined by the King of England.

[2.] Ben. Ab. p. 89. a.

with King Henry's Award are to be found in *Harleian*, fol. 320. b. n. 40, &c. See also the Judgment it self by the Bishops, Earls, and Barons, which is very short, though the Kings Exemplification of it under his is very much longer, *Bromt. Col.* 1124. n. 20.

[1.] *Ibidem*, p. 96. b. The King summons his Noblemen and Knights in *Capite* to follow him into *Normandy*.

[4.] *Ibidem*, p. 96. b. Anno Dom. 1177. The King with his Earls and Barons go in Pilgrimage to St. Edmunds-Bury, to Ely, and Gaidington.

* Perhaps Gayton in Cheshire, or Galtun in Northamptonshire, as Geruise of Canterbury says, Col. 1522. l. 3. [5.] *Ibidem*, p. 97. a. The Lords and Knights of the Kingdom come to *Windsor*, to go where the King should Command. The King removes several Constables of Castles, and places others in their room. [7.] *Ibidem*, & *Hoved. f.* 323. b. n. 20.

[8.] *Ben. Abb.* p. 97. b. The King Commands the Welsh Kings to meet him at *Oxford*. Who with many other Noblemen did Homage to him.

[9.] *F.* 323. b. n. 10. 30.

The King [3.] Commanded this year all the Earls, Barons, and Knights of the Kingdom which held of him in *Capite*, to be at *London*, well prepared with Horse and Arms, fifteen days after *Easter*, to follow him from thence into *Normandy*, and stay with him a whole year beyond Sea, in his Service at their own Charges.

At *Easter* the [4.] King with his Earls and Barons kept his Court at *Wy* in *Kent*, and after the Solemnity went to *London*, and from thence in Pilgrimage (*in perigrinatione*) to St. Edmund the King and Martyr, (to the Monastery at St. Edmunds-Bury) where he was the Sunday after *Easter*; The next day he went to *Ely*, in Pilgrimage to St. *Andry*, and from thence he went to * *Gaidington*, or *Gaitintune*, where many Welsh flocked about him, and sware Fealty to him. [5.] Hither by his Command came to him Roger Archbishop of *Tork*, *Reginald* Bishop of *Bath*, *John* Bishop of *Norwich*, and *Adam* Bishop of *St. Asaph*, and many Earls and Barons of the Kingdom, to Treat of the Peace and Settlement thereof; [6.] and when they had Treated some time there, the King removed to *Windsor*, and the Arch-Bishop, and other Bishops with him, where came to him almost all the Earls, Barons, and Knights of *England*, provided with Horse and Arms to go whether the King should Command. And when they had Treated further there about the Peace and Establishment of the Kingdom, by Advice of his Bishops, Earls, and Barons, he removed the Constables of several Castles in the North of *England*, and made Knights which were of his own private Family, Constables. *William Stutevill* he made Keeper of the Castle of *Rokesburgh*, and *Roger Stutevill* of the Castle of *Edinburgh*, and *William Nevill* of the Castle of *Norham*, and *Roger Arch-Bishop of Tork* of the Castle of *Scarburgh*, and *Geofry Nevill* of the Castle of *Berwick*, and *Roger Comers* of the Tower of *Durham*, which the King took from [7.] *Hugh* Bishop of *Durham* because he served him falsely in the time of War; and for that reason, and that it might stand, and not be demolished, and for the Kings Peace, and that his Son *Henry de Puteau*, or *Pudsey*, might enjoy the Maner of *Wilton* with its Appurtenances, the Bishop gave the King 2000 Marks.

From *Windsor* [8.] the King went to *Oxford*, where he had Commanded the Welsh Kings, and the most Potent Men of *Wales* to meet him, viz. *Refe* the Son of *Griffin* King of *South-Wales*, *David* Son of *Owen* King of *North-Wales*, *Cadwalan* King of *Delwain*, *Owen de Kevilian*, *Griffin de Bromfield*, *Madoc* Son of *Gervet Chone*, and many others of the most Noble of *Wales*, who all did Homage, and sware Fealty to him against all Men, and that they would keep Peace with him and his Kingdom. To King *David* who had Married King *Henry's* Sister, he gave the Land of *Ellsmar*, and to King *Refe* the Land of *Merionith*. These things [9.] *Hoveden* says were done in a General Council at *Oxford*, and that there King *Henry* made his Son *John* King of *Ireland*, &c. More of which afterwards.

On

On the Sunday before [1.] *Ascension-day* the King was at *Winchester*, where by his Precept all the Earls, Barons, and almost all the Knights or Soldiers that held of him in *Capite*, came to him, prepared with Horse and Arms, to know his Commands; for at that time he had caused most of the Ships of *England* and *Normandy* to be ready at *Portsmouth* and *Southampton* to Transport them with the King. On *Ascension-day* the King gave them leave to go Home, and return to *Winchester* again in the *Octaves* of St. *John Baptist*, (which is the first of *July*) and then to execute his Commands.

The King [2.] was at *Winchester* at the time appointed, and his Tenents in *Capite* ready to pass into *Normandy* with him, but deferred his Voyage, until the Envoys he had sent to the King of *France*, [3.] to know whether he would stand to his Bargain and Contract, concerning his two Daughters *Margaret* and *Alice*, and his two Sons *Henry* and *Richard*, and whether he would give them the Lands he promised them in Marriage, were returned. They came [4.] not themselves, but by special Messengers, let the King know the effect of their Negotiation with the King of *France*; which was, That the King of *France* would part with no Land, and yet expected his Son *Richard* Earl of *Poitou* should Marry his Daughter *Alice*, and if he did not, the Popes Legat threatened, and was ready to put all his Dominions, as well on one side of the Sea as the other, under an Interdict. The King Advised with his Bishops, viz. *Richard* Archbishop of *Canterbury*, *Geofry* of *Ely*, *Bartholomew* of *Exeter*, and *John* Bishop of *Chichester*, and other Wise Men of his Kingdom, that were then with him, what he should do in this matter. They Counsell'd the King, by the Bishops that were there, to Appeal to Pope *Alexander* against his Legat, which they did, and put the King, themselves, and the whole Kingdom under his Protection; and the King sent to the Arch-Bishop of *Tork*, that he, and his Province should make the same Appeal, as the Arch-Bishop of *Canterbury* had done in his Province. This was about the Twelfth of *July*.

Notwithstanding this [5.] Appeal, the King about the middle of [6.] *August* passed into *Normandy* from *Portsmouth*, and almost all the Earls, Barons, and Knights of *England* followed him. On the Twenty first of [7.] *September* the two Kings came to a Conference at *Turk*, in presence of the Legat, and the great Men of both Kingdoms, where the King of *England* gave his Faith, that *Richard* his Son Earl of *Poitou* should take *Alice*, Daughter of the King of *France*, to Wife, if her Father would give him with her in Marriage the City of *Bourges*, with its Appurtenances, as it was Covenanted between them; and to *Henry* his Son all the *French Vexin*, that is, all the Land between *Gisors* and *Pontoise*, which he promised to give him in Marriage with his Daughter. And because the King of *France* would not perform these things, he would not permit his Son *Richard* to Marry his Daughter *Alice*; Yet in this Conference, by Advice of the Cardinal and Legat, and the Princes of both Kingdoms, there was Amity and final Concord made between them. *Benedict* the Abbat [8.] says, That King *Henry* granted that his Son *Richard* should * Marry the Daughter of the King of *France*, and so they made Peace, which was confirmed by their Faith, Oaths, and Seals. Which was to this [9.] purpose.

U u 2

[1.] *Ben. Abb.* p. 98. b. 99. a. The Tenents in *Capite* attend the King with Horse and Arms.

[2.] *Ibidem*, p. 103. a. He defers his passing into *Normandy* with his Tenents in *Capite*, until he sent to the King of *France* about the Contracts of Marriage made between their Children.

[3.] *Ibidem*, p. 99. b. [4.] *Ibidem*, p. 104. a. The King of *France* refused to stand to his part of the Bargain, but would force the King of *England* to make good his, and procures the Popes Legat to threaten an Interdict.

The King of *England* by his Bishops Appeals from the Legat to the Pope.

[5.] *Hoved. f.* 325. b. n. 10.

[6.] *Ben. Abb.* p. 107. b. He passeth with his Army over Sea. [7.] *Hoved. ut supra*. The Convenants of Marriage between the Children of the two Kings.

Upon Conference they agree. [8.] *P.* 108. a. * He was Affiliated to her, but never married.

[9.] *Ibidem*.

I.

[1.] Append.
n. 36.
Articles of
Agreement
between the
two Kings.

I. They Agreed [1.] to take upon them the Cross, and go together to Jerusalem against the Infidels.

II. That if either were injured or affronted, they should assist each other.

III. That all manner of Discord might be cut off between them, they granted each to other, that from thence forward, neither of them should demand of the other any Lands, or other things they were in possession of, except what was in Contention between them in Avergn, and except the Fee of Cattle-Ralph, and the small Fees, and Divises, or Limits of Lands in Berry: about which, if they could not Agree between themselves, there were three Barons, and three Bishops named on either part, who were to determine of their Right according to the Oaths of such Lay-Men as understood and knew it, and they to stand to their Determination.

IV. That if either of them should die in their Journey, the other should have the Management of the Men, and Money, and whole Affair.

V. That if they should both die in the Journey, they were before they set forth to choose such of their honest and faithful Men or Vassals (de probis & fidelibus hominibus nostris) to whom they should commit their Money, the Leading, and Government of their Soldiers, and the Ordering of the whole Service or Expedition.

VI. They were to appoint such Governors of their Dominions in their absence, as in all Difficulties should assist one another.

VII. That Tradesmen, Merchants, and all Men, as well Clerks as Laymen, with all their Goods, should be secure and free from molestation in both their Dominions.

[2.] Hoved.
f. 326. a. n.
50. &c. Den.
Ab. p. 109. b.
The Statute
of Verneul is
called.

This Treaty [2.] being ended, the King of England went to Verneul, and there upon the Petition of the Good Men of Grammont, he Ordained in the presence of Richard Bishop of Winchester, Henry Bishop of Bayeux, Giles Bishop of Eueux, Froger Bishop of Sees, and in presence of Simon Earl of Eueux, and Robert Earl of Leicester, and before many other Earls and Barons of his Kingdom, That no Man presume to take the Goods of a Vassal for the Debt of his Lord, (nequis pro Domini debito res hominis capere presumat) unless the Vassal was Pledge or Surety for the Debt of his Lord; but the Rents of Vassals, which they are to pay to their Lords, shall be paid to their Lords Creditors, not to the Lords.

The other proper Goods of Vassals shall be in peace, neither shall it be lawful for any one to Distrein, (namtine non liceat) or take them for the Debts of their Lords.

This Statute, and this Custom, (Hoc Statutum, & Consuetudinem hanc, &c.) the King Ordained should be firm and general in all his Towns, and every where in his Dominions, viz. in Normandy, Aquitan, Anjou, Main, Turain, and Britany; and that it might be stable,

perma-

permanent, and firmly observed and kept, it was Written and Confirmed with his Seal.

After this, the King [3.] by his Writ summoned the Earls and Barons of Normandy, to meet him at Argenton, on the Ninth of October, prepared with Horse and Arms for his Service, and went to Alencon, and sent his Son Richard into Poitou to subdue his Enemies.

King Henry desirous to return into England, sent to Lewis King of France, and obtained his Letters of Protection, in this Form. [4.] LEWIS King of France, to all whom these Presents shall come, Greeting; Know ye that We have received into Our Custody all the Lands of Our Most Dear Brother Henry King of England on this side the Sea, if he shall happen to pass into England, or go on Pilgrimage, so that when his * Bayliffs or Officers shall Require Us, We shall truly, without Design, give them our Counsel, and help, for the Defence and Protection of the same.

After his coming out of [5.] Normandy into England, at Woodstock he Knighted his Son Geoffrey Earl of Britany, who soon after passed into Normandy, and in the Confiners of France and that Country, was at a Torneament, or the Exercise of Feats of Arms, where he was ambitious to have the Reputation of a Courageous Knight, and the rather, because his Brothers Henry and Richard had acquired great Honour and Renown in such Military Exercises.

Peter of St. Agatha, [6.] the Popes Legat, came this year through England, to summon the Bishops and Abbats of Scotland and Ireland to a General Council at Rome, but before he had leave to pass through the Kingdom, he made Oath, not to do, or seek to do any Injury to the King or Kingdom, and that he would return the same way. [7.] The same Oath the Scottish and Irish Bishops and Abbats took, before they had passage given them to go this way with the Legat.

After Easter the King [8.] held a great Council at Windsor, and by the common Advice of his Arch-Bishops, Bishops, Earls, and Barons, he divided England in four parts, and to every part he appointed Wise Men to do Justice in the Land. After this manner.

I.

Richard Bishop of Winton.
Richard the Kings Treasurer.
Nicholas Fitz-Torold.
Tho. Basset.
Robert Wiscfeld.

Hamshire.
Wiltshire.
Gloucestershire.
Dorsetshire.
Somersetshire.
Devonshire.
Cornwall.
Berkshire.
Oxfordshire.

II.

[3.] Ibidem, n. 10. a. The King of England summons his Earls and Barons of Normandy to appear with Horse and Arms.
[4.] Hoved. f. 327. a. n. 40. An. Do. 1178. The King of France gives the King of England Letters of Protection.
* Bailiiff sui.

[5.] Ibidem, f. 331. a. n. 40. Geoffrey Earl of Anjou Knighted by his Father. His Military Exercise and Ambition.

[6.] Ibidem, b. n. 10. The King puts an Oath upon the Popes Legat.
An. Do. 1179.
[7.] Ibidem, f. 332. a. n. 50. And upon the Scottish and Irish Bishops and Abbats.
An. Do. 1179.
[8.] Ibidem, f. 337. a. n. 20. England divided into four Circuits.

II.

Geofrey Bishop of Ely.
Nich. the Kings Chaplain.
Gilbert Pipard.
Reginald de Wisbech the
Kings Clerk.
Geofrey Hofee.

Cambridgeshire.
Huntingtonshire.
Northamptonshire.
Leicestershire.
Warwickshire.
Worcestershire.
Herefordshire.
Staffordshire.
Shropshire.

III.

John Bishop of Norwich.
Hugh Murdac the Kings
Clerk.
Michael Belet.
Richard Del Pec.
Radulph Brito.

Norfolk.
Suffolk.
Essex.
Hertfordshire.
Middlesex.
Kent.
Surrey.
Suffex.
Buckinghamshire.
Bedfordshire.

IV.

Godfrey de Lucy.
Johannes Cumin.
Hugh de Gaerft.
Ranulph de Glanvill.
William de Bendings.
Alanus de Furnellis.

Nottinghamshire.
Derbyshire.
Yorkshire.
Northumberland.
Westmerland.
Cumberland.
Lancaster.

The last six were appointed [6.] Justices in the Kings Court, to hear the * Clamours, or Businels, and Suits of the People, and had the last seven Counties assigned them.

This year Lewis King of [1.] France cited all the Arch-Bishops, Bishops, Earls, and Barons of his Kingdom, that they should without Excuse, be in the City of Rhemes, on the Assumption of the Virgin Mary, (that is the Fifteenth of August) to Crown his Son Philip, then Fifteen years old. They hastened to come as they ought to do; but just before the time, his Son fell into a great Sicknes, so as many despaired of his Life, his Father grieved night and day, and was mightily afflicted for his Son; Being thus without Comfort, one Night when he had happily fallen into a sound Sleep, St. Thomas the Martyr of Canterbury appeared to him, and told him the Lord Jesus Christ had sent him his Servant to him, to let him know, That if he believed, and with Contrition went to visit his Servant Thomas the Martyr of Canterbury, his Son should recover his Health. He discovered this Vision to his Friends, and asked their Advice, who

who told him it was dangerous to pass by Sea into another Mans Country, &c. The next Night the Martyr appeared the second and third time, and told the same Story, and added Threats, if he went not quickly, and obeyed the Command of God. He came, and the King of England met him at Dover on the Twenty second day of August, and Conducted him to the Tomb of the Martyr; where the King of France Prayed, and offered a great and precious Golden Cup, and gave to the Monks of Holy Trinity for ever yearly, One hundred Measures of Wine, (Centum Modios Vini) to be delivered them at a certain place in France, without Charge; And for the Love of God, and Holy Thomas the Martyr, he granted, that whatsoever the Monks should buy for their own use in his Kingdom, should be free from all Toll, Custom, and Exaction; and of these things he made them a Chart, which they received from his Chancellor [2.] Hugh de Puteaco, (or Pudsey) Son to Hugh Bishop of Durham.

The third [3.] day after this Visit, King Henry Conducted him back to Dover, and from thence the next day, which was the Twenty sixth of August, he passed into France; In the mean time his Son Philip, by the Merits and Prayers of Blessed Thomas the Martyr, recovered his former Health. Out of exceeding Joy, the King of France by publick Edict, Commanded all the Princes, or great Men of his Kingdom, Ecclesiastick and Secular, to meet again at Rhemes on the Feast of All-Saints, to Crown his Son, and the Solemnity was then performed; Henry the young King of England, in right of the Dukedom of Normandy, carrying before him, from his Chamber to the Church, a Golden Crown, with which he was Crowned, and Philip Earl of Flanders the Sword of the Kingdom: and the other Dukes, Earls, and Barons took their places according to their several Offices; but King Lewis could not be there, for upon his return from England, he made a Visit to St. Denis, or Dionys, and got Cold, and fell into a Palfey, by which he lost the use of the Right Side of his Body.

This young King of [4.] France taking advantage of his Fathers Sicknes, was in all things Directed by Philip Earl of Flanders, by whose Advice he began to Tyrannize over the People; and to despise and hate all that loved his Father, or were his Friends, and so pursued his Mother, that he forced her out of his Dominions, and used William Arch-Bishop of Rhemes, Earl Theobald, and Earl Stephen his Uncles, very severely. At whose Request Henry the young King went into England to his Father, and informed him how Philip King of France used his Mother and Uncles by the instigation of the Earl of Flanders. Upon this Information they both pass into Normandy before Easter, where the Queen of France, her Brothers, Earl Theobald, and Stephen, and many others of the French Nobility came to them, and gave to the King of England the Father, their Oaths and Pledges, that they would not recede from his Advice. Upon which he raised a great Army, intending to enter France, to Revenge the Injuries the new King had done to his Mother and Uncles.

But

Roger Houeden is more modest in this story, and only lays he was admonished by Divine Revelation. He comes to Canterbury, Offers, and Prays at his Tomb. Gives the Monks 100 Measures of Wine every year. And grants them a Charter of many Priviledges in France. [2.] Ibid. Col. 1140. n. 30. [3.] Ibid. f. 338. a. n. 10. 20. An. Do. 1179. His Son Philip recovers.

The Princes and great Men of France summoned by Edict to meet and Crown him at Rhemes on All-Saints-day.

[4.] Ibid. b. li. 3. & n. 10. The young King of France abused his Mother, Uncles, and Fathers Friends. They apply themselves to the King of England. An. Do. 1180.

He raiseth an Army, and enters France.

[9.] Ibidem, b. n. 10. * Clamores populi, Clamor a common word then for a Suit or Petition. [1.] Jo. Brom. Col. 1139. n. 40, 50, 60, &c. An. Do. 1179. The King of France calls together all his Bishops, Earls, and Barons, to Crown his Son Philip at Rhemes. His Son falls sick. He had a Vision, by which he was admonished, for his Sons Recovery, to visit the Martyr of Canterbury (so called.)

[5.] *Ibid.* m.
n. 30.
Before Hostil-
ity, Peace
made by Con-
ference.

But before [5.] any Hostility, King *Philip* and old King *Henry* came to a Conference between *Gisors* and *Trie*, in which, one while with fair words, another with sharp, he so effectually prevailed upon him, that contrary to the Counsel of the Earl of *Flanders*, and *Robert Clement*, he laid aside all the Contrivances against his Mother and Uncles, and received them into favour, appointing his Mother to receive Seven Pounds of *Paris* Money every day for her Diet, and agreeing to allow her full Dower, except the Castles and Munitions after his Fathers Death.

[6.] *Ibidem*,
n. 40.
The Earl of
Flanders doth
Homage to
the King of
England.
For 1000 l.
per annum he
is to find him
500 Horse
forty days.

In this Conference King [6.] *Henry* the elder, out of great Caution, received the Homage of the Earl of *Flanders*, before the King of *France*, and for that Homage granted he should receive yearly One thousand Marks at his Exchequer in *London*: and in Recompence thereof, he was to find the King of *England* every year in his Service, when he was summoned, 500 Knights or Horsemen for forty days.

[7.] *Ibidem*,
n. 40, 50.
A Conference
and Peace be-
tween the
Kings of
France and
England.

In the same [7.] year *Levis* King of *France* died at *Paris* on the Eighteenth of *September*, and soon after *Philip* and the King of *England* came to another Conference at the same place, and made the same Peace and Agreement that had been made before between his Father and him, (except that Covenant of taking the Cross, and going to the Holy Land) and Confirmed it with their Oaths.

[8.] *Ibid.* f.
341. a. n. 20.
New Money
made in *Eng-
land*.

This year [8.] King *Henry* the elder caused new Money to be made in *England*, and severely Fined, and otherwise punished the Moneyers, or Coyners, for abasing the Allay, and corrupting the old Money.

[9.] *Ibidem*,
f. 348. b. n.
100, 20.
An. Do. 1181.

In all his Dominions [9.] beyond the Seas, the King after *Christians* appointed what Arms every one should have ready for the defence of their Country; he that was worth in Goods One hundred Pounds of *Anjou* Money, was to have a Horse, and full Military Arms; Every Man that was worth Forty, thirty, or five and twenty Pounds of *Anjou* Money in Goods, was to have an Iron Cap, a Gorget, a Lance, and Sword; and all others to have a *Wambais*, that is, a Coat twilted with Wooll, or Tow, or such Matter, an Iron Cap, a Lance, and a Sword, or Bows and Arrows; and he prohibited all Men to sell their Arms, or pawn them, and ordained they should go to the next Heir when they died. And when the King of *France* and Earl of *Flanders* heard of it, they caused their Men to be thus Armed.

An Assise of
Arms ap-
pointed by
the King in
all his Domi-
nions beyond
Sea.

[10.] *Ibid.* f.
350. a. n. 20.

While the King [10.] of *England* was at *Barfien* in *Normandy*, expecting his Passage into *England*, there happened a great difference between the King of *France* and Earl of *Flanders*, about the Earl of *Clermont*; he was sent for to *Gisors* by the King of *France*, and there in a Conference reconciled them, and from thence went to *Cherbourg*, and set sail for *England*, and arrived at *Portsmouth* the Twenty fifth of *August*, and brought with him *William* King of *Scots*, whom he had sent for into *Normandy*, [2.] to make a Peace and Reconciliation between him and the Bishops of *St. Andrews* and *Aberdene*, who were forced out of *Scotland* by his harsh usage.

The King of
England the
elder makes
Peace be-
tween the
King of
France, and
Earl of *Flen-
ders*.

[1.] *Ibidem*,
119. 4.

[3.] *De*

[3.] *Deinde Henricus Rex Angliæ fecit hanc assisam de armis habendis in Anglia.*

Soon after his return, he made this Assise of Arms.

1. *Whosoever hath a Knights Fee, shall have a Coat of Mail, an Helmet, a Shield, and a Lance: and every Knight shall have so many Coats of Mail, Helmets, Shields, and Lances, as he hath Knights Fees.*

2. *Every Free Layman, that hath in Goods or Rent to the value of * Sixteen Marks, shall have a Coat of Mail, an Helmet, a Shield, and a Lance.*

3. *Every Free Layman, that hath in Goods Ten Marks, shall have an Iron Gorget, an Iron Cap, and a Lance.*

4. *All Burgeses, that is, Inhabitants or Freemen of Burghs, and the whole Community of Freemen shall have a Wambais, (that is a Coat twilted with Wooll, Towe, or such other Materials) a Cap of Iron, and a Lance.*

And [4.] every one shall swear, That before the Feast of *St. Hilary* he will have these Arms, and will be faithful to King *Henry* the Son of *Maud* the Empress, and that he will keep these Arms for his Service, according to his Command, for the Defence of the King and Kingdom; and no Man when he hath these Arms, shall Sell, Pawn, Lend, or any way put them out of his Custody: neither shall his Lord any way take them from his Man or Vassal, neither by Forfeiture, Gift, Pawn, or Security for any thing, nor any other way. When the Possessor of these Arms dieth, they shall remain to his Heir: and if his Heir be not of such Age, as he can use Arms, his Guardian shall have the Custody of his Arms, as well as of his Body, and shall find a Man to use them in the Service of the King, while the Heir is of sufficient Age. If any Burges has more Arms than he ought to have by this Assise, he may sell, or give them to any Man that will use them in the Kings Service; and no Man may have or keep by him more Arms, than he ought to have by this Assise. Also no Jew may have a Coat of Mail, or a Jerkin of Mail in his Custody, but may sell, or give, or so part with it, that it may be for the Service of the King. Also no Man shall carry Arms out of *England*, unless by the Kings Command, nor sell Arms to any Man that shall carry them out of *England*. Neither Merchant or other Person shall carry them out of *England*. And the Justices shall swear as many Knights, or other Freemen, and Legal-men in the Hundreds and Burghs in every County, as they think fit, whether they have Goods to such a value, as they ought to have a Coat of Mail, an Helmet, a Shield, and a Lance; and that they shall distinctly name all those in their Hundreds, and Neighbourhoods or Burghs, that have Sixteen Marks in Goods or Rents; and the Justices shall cause the Jurors and all others to be written in a Roll, and the value of their Goods or Rents. And then they shall cause this Assise to be read before such as are to find Arms, and cause them to swear, they will provide Arms ac-

[3.] *Ibidem*,
n. 30.
King *Henry*
makes an As-
sise of Arms
in *England*;
so tis here
said, but
doubtless it
was done by a
great Coun-
cil, and not
only by him-
self.

* The value of
the Goods I
suppose mis-
taken, It
should rather
have been
sixty Marks.

[4.] *Ibidem*,
& n. 40, 50.
Every one to
have Arms,
and to keep
them for the
Kings use.

None to keep
more Arms by
him than the
Assise allow-
eth.

No Man to
have a Coat of
Mail in his
Custody.

All that have
Sixteen Marks
in Goods or
Rent, to have
of their own
a Coat of
Mail, an Hel-
met, Shield,
and Lance.

X x

cording

According to the value of their Goods and Rents, and the Direction of this Assise; and that they will keep them for the Defence of King Henry Son to Maud the Empreſs, and his Kingdom, according to his Command. And if it happen that any one that is to find Arms be not in the County when the Justices are there, they are to appoint him a time to appear before them in another County; And if they come not to them in any County through which they pass, let him come to Westminster eight days after Michaelmas, and then take the Oath, as he loves himself and all that he hath, and let him be Commanded, that he have such Arms as he bought, before the Feast of St. Hillary aforesaid.

An. Do. 1181.

All that make default to be punished in their Limbs and Members. None to be of the Jury, but such as are worth Sixteen or Ten Marks. No Ship to be sold, or Timber carried out of England. None to receive the Oath of Arms but Freeman. [7.] Ibidem, f. 351. a. n. 40, 50. Young Henry's undutifulness causes the King to go into Normandy, An. Do. 1182. Young Henry submits to his Father's Will and Pleasure.

[5.] Ibid. f. 351. b. n. 30, 40.

The young King receives Homage of his Brother Geoffrey, but Richard refuses.

An. Do. 1183.

Also the Justices shall cause to be published in all Counties through which they go, that all may take notice, That the King will not punish such as make Default, in their Lands or Goods, but in their Limbs or Members. None shall be upon the Jury, but such as are worth Sixteen or Ten Marks.

Also the Justices shall Command, in all Counties through which they pass, That no Man, as he loves himself, and all that he hath, do buy or sell any Ship to be sent out of England, nor that he carry, or cause to be carried any Timber out of England. And the King Commands, that none be received to the Oath of Arms, but a Freeman.

After [5.] Christmas the undutifulness of the young King caused his Father to go into Normandy, for he and his Wife had gotten to his Brother Philip King of France, by whose instigation he wrought all the mischief imaginable against him, notwithstanding the Oaths he had taken to be obedient, just, and faithful to him. He again demanded Normandy of his Father, or some other of his Dominions; but once more he returned to him, and swore to submit to his Will and Pleasure, and that he would not recede from it, nor desire more for his own Expences, than One hundred Pounds a day of Anjou Money, nor more for his Wife than Ten Pounds a day. And further, the King granted to pay One hundred of his Knights for that year.

Next [6.] year at Christmas, the old King and all his three Sons were at Caen in Normandy, and with them his Son in Law Henry Duke of Saxony, and his Wife and Children, the Arch-Bishops of Canterbury and Dublin werethere also, and many Bishops, Earls, and Barons. After the Solemnity, the old King Commanded the King his Son to take Homage of Richard Earl of Poitou, and Geoffrey Earl of Britany his Brothers; He received the Homage of Geoffrey, but Richard refused to do Homage to him; yet afterwards when Richard offered it, he would not receive it. Whence Richard grew very angry, retired from Court, and went into Poitou, where he built new Castles, and fortified the old; His Brother King Henry followed him, and with the Earls and Barons of that Country that adhered to him, very much pressed Richard. And when he saw Geoffrey come with an Army to his Assistance, not being able to resist both his Brothers, he sent to his Father for help, who raised a great Army, and marched with speed, and besieged the Castle of Limoges, which but a little before had been delivered to his Son King Henry.

While

While the King was before [7.] Limoges, his two Sons Geoffrey and Henry that understood one another very well, pretended to their Father, they would reconcile the Barons of Aquitan and Poitou to him and his Son Richard; and as they pretended, went to several Places to meet and Treat with them, and there Confederated with them against him; and he thinking himself now safe with his Sons, had no great number with him at Limoges, whereby he was exposed to much danger, which his Sons knew, but gave him no notice of it. But Geoffrey taking the advantage, pillaged, and miserably wasted his Father's Countries. In the mean time Henry in a fit of Devotion, under pretence of an old Vow, takes upon him the Cross, and would go against the mind and persuasion of his Father into the Holy Land; his Father (as he thought) finding his Son resolute, bemoaned him with many Tears, and told him, since he would go, his Equipage and Company should equal, if not exceed the Preparation of any Princes in Christendom. But he executed his Design before his Journey; for under pretence of Devotion, visiting several Rich Monasteries, he pillaged them, and distributed what he got amongst his Soldiers; and when he saw he could not destroy, nor have his Will of his Father, his [8.] Fury and Passion cast him into a great Sickness at a Town called Martel, of which he died on the Eleventh of [9.] June.

After his [1.] death his Father assaulted the Castle of Limoges from day to day, while that and the City was delivered to him, and with them all the Castles of his Enemies in that Country, some whereof he Garisoned with his own Men, others he demolished, not leaving one Stone upon another.

And now the King of France upon his Death [2.] demanded the Dower of his Sister, young King Henry's Widow, and also the whole Land of Vexin, with the Castles and Munitions his Father King Lewis gave in Marriage with her, upon which, coming to a Conference between Gisors and Trie, they thus Agreed; That the Widow for her quiet Claiming, or Relinquishing all the before demanded Premises, should receive every year of the King of England at Paris, Seventeen hundred and fifty Pounds of Anjou Money, and from his Heirs so long as she lived.

Now Geoffrey Earl of Britany [3.] returned to his Father, and made Peace with him, and with his Brother Richard Earl of Poitou. To whom King Henry Commanded he should receive the Homage of his Brother John for that Country which he held of the Earldom of Aquitan, but he would not.

Pope Lucius the Third, not able [4.] to resist the Romans, sent his Legats to all Kings and Princes, as well Secular as Ecclesiasticks, for an Aid, for the Defence of St. Peter against them. His Messengers came to King Henry, requiring Aid of him and the Clergy of England; The King Consulting his Bishops and Clergy concerning this Request, they advised, he should give an Aid suitable to his Honour and Good Will for him and their selves, for it was more tolerable, and better pleased them, that he should receive Recompeance from them, than that the Popes Messengers or Legats should be per-

X x 2

mitted

[7.] Ibidem, f. 353. a. b. Young Henry and Geoffrey Confederated against their Father.

[8.] Ibidem, 354. a. lin. 1. Young Henry dies at Martel.

[9.] Chr. Nor. f. 1003. D. [1.] How, ut sup. n. 40. Several Castles delivered to the King, which he either Garisoned or utterly demolished.

[2.] Ibidem, f. n. 50. The King of France demands the Dower of young Henry's Widow. * Pro quicta clamantia.

[3.] Ibidem, b. lin. 1. John refuses to do Homage to his Brother Richard. [4.] Ibidem, b. n. 40. This Pope

was expelled the City of Rome by the Senators; upon some difference that arose between them, Platin. f. 181. The King sends an Aid of Gold and Silver to Pope Lucius.

mitted to come into *England* to take it of them, by which means there might arise a Custom to the detriment of the Kingdom. The King took their Advice, and made the Pope a great Aid in Gold and Silver; with which and the Money of other Princes, the Pope made a Peace with the *Romans*, necessary for himself and for the Church.

This year [5.] at a Conference between King *Henry* and *Philip* King of *France* between *Gisors* and *Trie*, on the Tenth of *September*, he did Homage to the King of *France* for all his Transmarin Dominions, which he never would do before that time.

Next [6.] year on the Tenth of *June* the King came into *England*, and the Dutcheſs of *Saxony* his Daughter with him: and not long after made [7.] Peace and Agreement between his Sons *Richard*, *Geofry*, and *John*, which was written and confirmed by their Oaths, before their Mother Queen *Alienor*, *Henry* Duke of *Saxony* their Brother in Law, and many others.

This year the [8.] *Welſh* grew very troublesome; they waſted the Kings Lands, and killed his Men. To ſubdue them, the King went with a great Army to *Worceſter*: Reſe the King of *South-Wales*, fearing his Power, upon ſafe Conduſt granted by the King, came thither, and ſware Fealty to him, and alſo ſware he would deliver as Hoſtages or Pledges to the King, his Son, and Grandchildren; who, when he ſhould have brought them to the King, would not come with him.

The Winter [9.] following died *Gilbert* the Uſurper of *Galway* in *Scotland*, who had Murdered his Brother *Ulſted*, whoſe Son *Roland*, taking the advantage of his Uncles death, and of his Son *Duncan*, being in Cuſtody of the King of *England*, as an Hoſtage or Pledge for his Fathers Fidelity, invaded and obtained that Country.

The Patriarch of *Jeruſalem*, [1.] and the two great Maſters of the *Hopſital* and *Temple* came into *England*, ſent by *Baldwin* King of *Jeruſalem*, the *Templars* and *Hopſitalers*, to the King, who met them at *Reding*, where they preſented him with the Royal Banner, the Keys of the Sepulchre, and of the *Tower of David*, and City of *Jeruſalem*, with Pope *Lucius's* Letters: by which very meanly he endeavours to excite the King to undertake the Relief and Protection of the *Holy Land*.

The King promiſeth [2.] them an Answer on the firſt *Sunday* in *Lent*; at which day He, the Patriarch, the Biſhops, Abbats, Earls, and Barons of *England*, *William* King of *Scots*, *David* his Brother, and the Earls and Barons of that Kingdom met at *London*, and then Deliberating and Adviling about this Affair, they unanimouſly agreed, the King ſhould Conſult the King of *France*, and ſo the Council was diſſolved. And the King gave leave to all his Subjects, as well Clerks as Laicks, to take the Croſs; and thereupon *Baldwin* Arch-Biſhop of *Canterbury*, * *Ranulph* Juſticiary of *England*, *Walter* Arch-Biſhop of *Roven*, *Hugh* Biſhop of *Durham*, and many other Biſhops in *England* and beyond Sea, and almoſt all the Earls, Barons, and Knights of *England*, *Normandy*, *Aquitain*, *Britany*, *Anjou*, *Turain*, and *Main* undertook the Cruſado.

On

On the Second of *May* [3.] the King, *Heraclius* Patriarch of *Jeruſalem*, the Biſhop of *Durham*, and many of the Chief Men of *England* went int. *France*; in *Normandy* the King raiſeth a great Army, and ſent to his Son *Richard*, who had Armed *Poitou* againſt his Father, and beaten *Geofry* his Brother Earl of *Britany*, That unleſs he delivered all that Country to his Mother *Alienor*, free, and in Peace, he would come and ſcourge him for his obſtinacy and undutifulneſs. At whoſe Command he laid by all Hoſtility, rendred to his Mother *Poitou*, and remained with his Father, as a very kind Son.

A while after [4.] the Kings of *England* and *France* had a Conference about the Relief of the *Holy Land*, and they both promiſed to give very good Aſſiſtance in Men and Money. But this pleaſed not the Patriarch, for he hoped he ſhould have carried back with him for the defence of it, the King of *England*, or one of his Sons, or ſome other Man of great Conduſt and Authority, but becauſe he could not do this, he returned much diſaſiſfied and confounded.

King *Henry* at [5.] *Chriſtmaſs* kept his Court at *Danfront* in *Normandy*, and after that Solemnity, at a Conference with *Philip* King of *France* at *Gisors*, he ſware he would deliver to his Son *Richard* *Alice* the Kings Siſter, that he might make her his Wiſe, and the King of *France* granted to *Richard* with his Siſter, *Gisors* and all that his Father *Lewis* had granted with his Daughter *Margaret* to *Henry* the young King of *England*; and ſwore he would never move any Queſtion againſt them concerning thoſe Lands. After this Conference the King paſſed into *England*.

Soon after [6.] his arrival he marched to *Carliffe* with a great Army, and intended to go further to correct *Roland* or *Rowland* the Son of *Ulſted* the Son of *Fergus*, for Diſſeiſing *Duncan* the Son of *Gilbert*, the Son of *Fergus*; but *Rowland* came thither to the King, and made his Peace with him.

The ſame year [7.] *Geofry* Earl of *Britany* in a Military Conſliſt at *Paris*, was kicked by, and trampled under the Horſes Feet, and ſlain, where he was buried in the Cathedral. After whoſe [8.] death *Philip* King of *France* would have had the Cuſtody of his Daughter, and then only Heir; but the King of *England* would no way conſent to it; and ſent *Walter* Arch-Biſhop of *Roven*, *William* de *Mandevill* Earl of *Albanmarke*, and *Ranulph* de *Glanvill* Juſticiary of *England*, at whoſe Requeſt the King of *France* granted a Truce until the Feaſt of *St. Hillary* next. In the mean time [9.] *Conſtance* the Widow of *Earl Geofrey*, whom he had left great with Child, brought forth a Son, who was named *Arthur*.

Next Winter [1.] the King carried over into *France* Cardinal *Ottavian*, and *Hugh de Nunant*, that they might be preſent at a Treaty between him and that King; at which Conference he made ſuch intolerable Demands, that they departed one from another without hopes of Peace.

After

[3.] *Ibidem*, f. 359. a. n. 40. An. Do. 1185. *Richard* ſubmits to King *Henry* his Father.

[4.] *Ibidem*, n. 40. The Kings of *England* and *France* promiſe Relief for the *Holy Land*. The Patriarch goes away diſaſiſfied.

[5.] *Ib. f. 360. a. n. 20.* The King of *France* promiſes to give *Alice* his Siſter to *Richard*.

[6.] *Ibidem*. *Rowland* the Scot makes his Peace with the King.

[7.] *Ibidem*, n. 30. An. Do. 1186. [8.] *Ib. f. 361. a. n. 40, 50.* *Geofrey* killed in a Military Conſliſt at *Paris* by his Horſe.

[9.] *Ibidem*, b. n. 10. He left his Wiſe with Child of his Son *Arthur*. [1.] *Ibidem*, n. 40.

[5.] *Ibidem*, f. 355. a. n. 10. King *Henry* does Homage to the King of *France*.

[6.] *Ib. n. 20. An. Do. 1184.* [7.] *Ibidem*, b. n. 20. The Kings Sons reconciled.

[8.] *Ibidem*, f. 356. a. n. 30. The King of *South-Wales* ſwears Fealty to King *Henry*.

[9.] *Ib. f. 358. a. n. 20.*

[1.] *Ibidem*, n. 30. The King ſolicited to ſend Relief to the *Holy Land*.

[2.] *Ibidem*, b. n. 30, 40.

The King gives all his Subjects leave to take upon them the Croſs. * *Ranulph*, or as ſome, *Ranulph de Glanvill*.

[1.] *Ibidem*,
n. 50.
An. Do. 1187.
Richard and
John the Kings
ons besieged
by the King of
France.

[3.] *Ib. f. 361.*
a. lin. 1.

A Truce made
for two years.
[4.] *Ibidem*,
m. 10.
Richard seizes
his Fathers
Treasure, and
fortifies his
Castles.

At last he sub-
mits, and does
Homage.

[5.] *Ibidem*,
f. 365, b. lin. 1.
c. n. 10.
The King of
France threa-
tens to invade
Normandy.

Both Kings
reconciled,
and receive
the Cross.

[6.] *Ibidem*,
n. 10.
They agree
upon Articles
how to carry
on and main-
tain the War.

[7.] *Zabbei*
Concil. Tom.
10. Col. 1740.
B. C. D.

After *Whitsunday* [2.] the King of France besieged the King of England's two Sons *John* and *Richard* with a great Army in *Castell-Ridulf*. Their Father comes to Relieve them, the King of France meets him with his Army, and draws it up in *Batalia*, the King of England likewise rangeth his, when by Advice [3.] and Mediation of the Bishops of both Kingdoms they make a Truce for two years, so as the King of France should possess *Issoudun* for that time.

The Truce concluded, [4.] Earl *Richard* against the Will of his Father remained with the King of France, and such an Intimacy there was between them, that they often eat together, and lay in the same Bed. His Father grew jealous of him, and often sent for him out of France; he pretending to come to him, went directly to *Chinon*, where his Fathers Treasure was, and carried away the greatest part of it, notwithstanding the resistance the Keeper of it made: and with it fortified his Castle in *Poitou*, and would not come at his Father. Yet at length he once more returned, and did Homage to his Father before many of the Clergy and Laity, and swore to him Fealty against all Men upon the Holy Gospels, and that he would never recede from his Advice.

On *Christmas-day* [5.] King *Henry* was at *Caen* in *Normandy*, from thence he went to *Barsten*, and from thence into *England*. So soon as the King of France heard he was gone, he gathered a great Army, and threatened to waite *Normandy*, if he did not restore *Gisors* with its Appurtenances, or Married not his Sister *Alice* to his Son *Richard*. Upon notice of this, the King presently passed into *Normandy*, and on the Twenty first of *January* there was a Conference between them, at the old place, between *Gisors* and *Trie*, where also were Convened the Arch-Bishops, Bishops, Earls, and Barons of both their Dominions; There was also at this great Convention the Arch-Bishop of *Tire*, who Preached forcefully to them, that all who were Enemies one to another were heartily reconciled, and received the Cross from his Hands. The Kings resolved to go in Person, and the King of France's Men were to wear Red Crosses, the Kings of England's White Crosses, and the Earls of *Flanders* Green Crosses, for Notes of Distinction.

Upon this Resolution for an Expedition into the *Holy Land*, this [6.] Council presently entred upon in the manner and way of setting it forth, and maintaining it, and in a very short space agreed upon several Articles, which would have carried on, and maintained the War effectually. *Hoveden* recites them confusedly, and hath several superfluous Heads, which are not in *Labbe*, or *Gervase* the Monks of *Canterbury*.

[7.] *Talis est dispositio ad subveniendum Terre Jerusalem, a Domino Philippo Rege Franciæ, & Henrico Rege Angliæ, Communi Consilio; Episcoporum, & Comitum, & Baronum, Terrarum suarum approbata. Scilicet.*

This is the Establishment for the Relief of the Land of *Jerusalem*, by *Philip* King of France, and *Henry* King of England, approved by the Common Council of the Bishops, Earls, and Barons of their Dominions. That is to say;

I. Every

I. Every one as well Clerk as Laick, that is not worth above One hundred Shillings, for every House he hath where there is a constant Fire kept, shall pay Two Pence for three years every year.

II. If he have more than One hundred Shillings in Moveables, of every Pound in all the King of France his Dominions, he shall pay Two Pence of Province Money; and in the Dominions of the King of England on that side the Sea, two Pence of Anjou Money, and in England one Shilling Sterling for the same term.

III. He that hath One hundred Pounds in Lands or Rents or above, shall pay yearly twenty Shillings.

IV. He that hath less than One hundred Pounds in Rents, of every twenty Pounds, shall give four Shillings, and of every forty Pounds, eight Shillings. Those that have Moveables beyond One hundred Shillings, shall swear, That of every twenty Shillings, they will faithfully give two Pence.

V. Very little to the purpose.

VI. The Tenth is due for the Defence of the Land of *Jerusalem*, from *Midsummer*, 1184. for ten years, saving the Right of the Lords, and of the Churches.

Out of this Estimation are excepted in Clerks, the Treasure and Ornaments of their Churches, their Books, Horses, Vessels, Vestments, Goods, and Ornaments, which are necessary for their daily use; And in Knights or Soldiers, their Horses, Arms, Vessels, and Cloaths for their common use.

For the Collecting of this Alms, there shall be appointed in every Bishoprick two Brothers, one of the Temple another of the Hospital, and in every Parish they two, and (Dominus Presbyter Villæ) the Priest of the Town, (& duo de legalioribus Parochianis) shall collect and keep this Alms.

All this great Work was [8.] dispatch't, and the King was come back into England, and arrived at *Winchester* on the Thirtieth of *January*. And [9.] forthwith, saith *Hoveden*, he assembled a great Council of Bishops, Abbats, Earls, Barons, and many others, as well Clerks as Laicks, at *Gallington*, where he caused to be recited all the Articles which had been agreed on beyond Sea, about taking the Cross.

The Monk of [1.] *Canterbury* tells us they met on the Eleventh of February. Tercio Idus Februarii Convenerunt apud Gaitintune quæ Northamptonia, octo vel decem distat Millariis, una cum Rege, Principibus, & Principes Regni de defensione sacrosanctæ Terræ Jerosolimæ tractaturi: unde variis & multis hic inde prolatis sermonibus, hac tantum de cruce sumpta, vel sumenda capitula subscripta promulgata sunt. That is, On the Eleventh of February, the Bishops, with the Princes, or Chief Men of the Realm, met with the King at *Gaitintune*, about eight or ten Miles from *Northampton*, to Treat about the Defence of the

Two Temples and an Hospital appointed to be Collectors in every Bishoprick.

[8.] *Hoved.*
fol. 366. a. n. 20.

[9.] *Ibidem*.
The King returns into England, and in a Council of his Lords causes these Articles to be recited:

[1.] *Chron.*
Gerous. Col.
1522. lla. 3.
An. Do. 1188.

the Holy Land of Jerusalem; and after much Debate, at length, these underwritten Articles, concerning such as had taken, or would take the Cross, were published.

All that take the Cross to be absolved from their Sins.

All that do not undertake it, to pay the Tenth of their Estates and Goods.

I. Every Clerk or Layman that shall take upon him the Cross, shall be freed and absolved from all his Sins, of which he hath been Confessed, and hath Repented, by the Authority of God, the Blessed Apostles Peter and Paul, and the Pope.

II. Dispositum est a Regibus, Archiepiscopis, Episcopis, & aliis Principibus, quod omnes illi tam Clerici quam Laici, &c. It is Ordained by the Kings, the Arch-Bishops, Bishops, and other Princes, or Chief Men, That all those as well Clerks as Laicks, who shall not undertake this Expedition, shall give the Tenth of all their Rents for one year, and of all their Goods, as well in Gold as Silver, and in all other things, except Books, Cloaths, Vestments of Clerks, Ornaments of their Churches or Chappels, Precious Stones, as well of Clerks as Laicks; and except the Horses, and Arms, and Cloaths of Knights, belonging to their proper use.

III. Notandum etiam. It is also to be noted, Quod omnes Clerici, Milites, & Servientes, that all Clerks, Knights, and Esquires, which shall undertake this Expedition or Croysado, shall have the Tenths of their own Lands, and the Tenths of their own Men and Tenents, and shall give nothing for themselves.

There are five Articles more in this Monk, about the mean Habits, and Cloaths they should wear in this Crusado, and their sober and humble Carriage and Behaviour; and about Liberty, and Conditions to engage their Estates, to prepare and fit themselves for the Expedition; now not much to the purpose.

[1.] F. 366. a. n. 30. An. Do. 1188. The King sends out his Officers to collect the Tenth.

Those that refused to pay were imprisoned till they paid.

[3.] Ibidem, n. 40.

The King of Scots offers 5000 Marks.

When this Constitution was thus made, says Hoveden, [2.] the King sent his Servants, as well Clerks as Laicks, to Collect these Tenths in his Dominions beyond Sea; but in all the Cities in England, he caused all the Richest Men to be chosen out, viz. in London two hundred, in York one hundred, and in others proportionably, and caused them all to appear before him at certain days and places; of whom he took the Tenth of their Moveables, according to the Estimation of honest Men, which knew their Rents and Moveables; and those he found obstinate or Refractory, he presently committed them to Prison, and there kept them until they had paid the uttermost Farthing. The Jews also that were in England paid after the same Rate.

Into [3.] Scotland he sent the Bishop of Durham, and other Clerks and Laicks, to Collect this Tenth; but the King of Scots met them between Werk and Brigham, and would not permit them to enter into his Kingdom to collect them, yet offered to give the King for them, and to have his Castles again, Five thousand Marks of Silver. After the same manner Philip King of France caused the Tenths of the Rents and Moveables (*hominum suorum*) of his Men or Subjects, to be collected in all his Dominions.

This

This very year [4.] Raymund Earl of St. Giles, Aimer Earl of Engolism, Geoffry de Rancune, and Geoffry de Lusignan, and almost all the richest People of Poitou made War upon Richard Earl of that Country, and he upon them; who overcame them all; and amongst other Prisoners, he took one Peter Seillon, that had advised the Earl of St. Giles to take some Merchants or Tradersmen that were under Earl Richards Protection, and Inhabitants of his Countries, and use them ill. The Earl kept him close Prisoner; and when the Earl of St. Giles [5.] found he could not Redeem him, Way-laid, and gave order to his Castellans and Soldiers, to apprehend any of the King of England's Sons, Earl Richard's Subjects. Within a little while they seize upon Robert Poer and Ralph his Brother, two Knights of the Kings Family, that had been in Pilgrimage at St. James in Spain, and were returning home, and delivered them to Earl Raymund; who kept them in Prison, until his Servant Peter was set free. Richard would make no exchange, but said the Reverence of their Pilgrimage was sufficient to discharge them; and therefore the King of France Commanded they should be set free, neither for Respect to the King of England, or his Son Richard, but for the Reverence he bare to St. James the Apostle. [6.] The Earl of St. Giles Released them, not by the King of France his Command, but for the great Ransom he had of them.

Earl Richard [7.] moved with this, entred his Country with an Army, and wasted it with Fire and Sword, and besieged, and took his Castles near Tholose. The King of France, hearing the Complaints of the People, sent into England to King Henry, to know whether the damages that were done in his Dominions by his Son Richard, were done by his Order, and demanded Restitution. King Henry returned this Answer, That his Son had not done any thing by his Directions or Consent: and that he had let him know by John Arch-Bishop of Dublin, that he had done nothing, but by Advice of the King of France.

At this time King Henry [8.] received an Epistle of the Patriarch of Antioch, representing to him the miserable Condition of the Christians in the Holy Land; How that on the Fourth of July 1187. Saladin Emperor of the Saracens or Turks in a pitch Battle, had killed their Prince Raimund with his own hands: that there were of Bishops, Templars, Hospitallers, and others that accompanied them 1200 slain, and 30000 Foot, besides those that were destroyed in the Towns and Cities which were taken, there reckoned up to the number of thirteen; That he then besieged Jerusalem, and tore to take the Sepulchre, and divide it into small pieces, and throw it into the Sea, &c.

To this the King [9.] sends an Answer, to the Patriarch of Jerusalem and Antioch, in which he gives them great encouragement, and tells them, there was coming to their assistance such an Army of Christians as was never heard of, nor seen before; and that amongst the other Princes, he and his Son, rejecting and despising all the Glory and Pleasures of the World, were coming towards them with all the speed imaginable.

[4.] Ibidem, n. 50. Raymund Earl of St. Giles makes War upon Richard the Kings Son, and is conquered.

[5.] Ibidem, b. lin. 1.

[6.] Ibidem, n. 10.

[7.] Ibidem, n. 20. An. Do. 1188. Richard enters his Country, and wastes it.

The King of France complains to the King of England.

[8.] Ibidem, n. 30, 40. King Henry receives a Letter from the Patriarch of Antioch.

[9.] Ibidem, f. 367. a. n. 10; 30, &c. He Answers it, and gives great hopes that Relief would speedily be sent.

Y y

But

[1.] *Ibidem*, n. 50. The King of France enters Berry with a great Army. But in the mean time [1.] Philip King of France had raised a great Army, and entred Berry, and taken *Castle-Radulf*, (*Quod Burgenses reddiderunt ei*) which the Burgesses delivered to him; and proceeding, almost all Berry, except *Luchas*, was delivered to him. The King of England demanding a Reason of these things, it was told him, they were done in Revenge for the Injuries *Richard* Earl of *Poitou* had done to the King of France and Earl of *St. Giles*.

[2.] *Ibidem*, n. 50. The King of France refuses to make Peace. The King of [2.] England Advising with his Friends, sends *Baldwin* Arch-Bishop of *Canterbury*, and *Hugh* Bishop of *Lincoln* to the King of France, that they might persuade him to Peace; and when they could not, he passed into *Normandy*, and landed at *Barfien* on the Eleventh of July: and gathered together in *Normandy* and his other Countries a great Army. In the mean time *Richard* Earl of *Poitou* enters Berry, destroys the Lands of the Earls and Barons that adhered to the King of France, and took some of them.

[3.] *Ibidem*, n. 50. The King of France [3.] left Berry to *William de Barres* to defend it, and went toward the King of England, permitting his Soldiers to waste his Dominions; He sends *Walter* Arch-Bishop of *Roven*, *John* Bishop of *Eureux*, and *William Marshall*, to demand Restitution, and unless he made it, to desie him. The King of France Answers, he would not desist until all Berry and *Vexin-Norman* was subjected to him.

[4.] *Ibidem*, n. 20, 30. Richard Earl of Anjou destroys the King of France his Countries. Toward the [4.] later end of August the King of England entred the King of France his Dominions; His Son *Richard* took *William de Barres* Prisoner, and his Father, and he, and *William de Mandevill* burnt and destroyed the King of France his Countries, and took his Towns and Castles, more, and faster than he burnt and took theirs, so as he sent to them, and desired Peace, and offered to part with what he had gotten in Berry.

[5.] *Ibidem*, n. 40. They meet to Treat of Peace, but cannot agree. They came to a Conference at [5.] *Gisors*, to Treat of Peace, and when they could not agree, the King of France in a mighty rage and anger cut down a brave spread flourishing Elm, between *Gisors* and *Trie*, where the Conferences were wont to be between the Kings of France and Dukes of *Normandy*, and sware there never should be more Conferences in that place.

[6.] *Ibidem*, n. 50. Several French Lords lay down Arms. The [6.] Earl of *Flanders*, Earl *Theobald*, and the other Earls and Barons of France laid down their Arms, and said they would fight no more against *Christians* until they returned from their Pilgrimage to the *Holy Land*. The King of France destitute of his Friends, desired a Conference with the King of England: he consents, and on the Morrow, being the Sixth of October, *St. Faith's*-day, they met at *Chasteaux*; The Terms propounded were, [7.] That the King of France should resign what he had taken since the Truce, and that Earl *Richard* should resign what he had taken by War from the Earl of *St. Giles*; and for Security, the King of France demanded of the King of England the Castle of *Passy*, which he would not grant, and so they parted Enemies. The King of France took the Castle of *Passy* as he went from thence, and passed on to *Castle-Radulf*, and brought the Plundering *Brabanters* from thence to *Bourges*, promising them

[7.] *Ibidem*. The Treaty for Peace renewed, but without effect. them their Pay, where he took away their Horses, Arms, and all their Goods, and turned them off naked, and without Arms.

them their Pay, where he took away their Horses, Arms, and all their Goods, and turned them off naked, and without Arms.

Earl [8.] *Richard* offered to come into the Court of France, and stand to the Law there, for what had been done between him and the Earl of *St. Giles*, that so he might make Peace between the two Kings, which much displeased the King of England.

On the Nineteenth of October [9.] they had another Conference between *Bon-Molins*, and *Suleini*, where the King of France offered to render whatsoever he had taken by War, upon Condition he would deliver his Sister *Alice* to Earl *Richard* his Son, that he might make her his Wife; and that he would permit him, as his Heir, to receive the Homages and Fealties of the Men of all his Dominions; But King *Henry* being sensible of the ill Consequences of that, and the Injuries and Mischiefs he had received for permitting it to his Son *Henry*, and by exalting him, he utterly refused to do it; whereupon *Richard* was exceedingly displeased, and without the knowledge or Consent of his Father, did Homage to the King of France, for all the Tenements or Lands of his Father in that Kingdom, and sware Fealty to him against all Men, and adhered to him; and for his Homage and Fealty, gave him *Castle-Radulph*, and *Iffoudun*, with the whole Honour.

Yet the two Kings made a Truce [1.] until the Feast of *St. Hilary*, and *Henry* Bishop of *Alba*, and a Cardinal, whom the Pope had sent to reconcile the two Kings, Anathematized Earl *Richard* as a Disturber of the Peace.

After the Feast of *St. Hilary*, [2.] when the time of Truce was expired, the King of France, Earl *Richard*, and many other Earls and Barons that had left the King his Father, and the *Britans* (to whom the King of France and Earl *Richard* had given their Charts, that they would not make a separate Peace with the King of England, excluding them) in a Hostile manner entred the Dominions of the King of England, and wasted them every way.

John Cardinal came from the [3.] Pope to the two Kings to exhort them to Peace, and he obtained of them to stand to the Judgment or Determination of himself, the Arch-Bishops of *Canterbury*, *Rhemes*, *Roven*, and *Bourges*, and appointed them a day of meeting near *Ferte-Bernard* eight days after *Whitsunday*; and the Cardinal, and four Arch-Bishops pronounced Sentence of Excommunication against all Men, Clerks, as well as others, that should hinder the making of Peace, excepting the Persons of the Kings themselves; They all met at the time and place appointed, and the Earls and Barons of both Kingdoms. In this Conference the King of France demanded of the King of England, that his Sister *Alice* might be given in Marriage to *Richard* Earl of *Poitou*, and that the Homages and Fealties, &c. as in the last Treaty; And further, that *John* his Brother might receive the Cross, and go to *Jerusalem*.

[8.] *Ibidem*, f. 368. a. lin. 6. Richard offers to stand to a Trial in the French Court.

[9.] *Ib. f. 370. a. n. 30.*

Richard swears Fealty to the King of France.

[1.] *Ibidem*, n. 30, 40. A Truce agreed upon; and Earl *Richard* Anathematized.

[2.] *Ib. f. 371. b. n. 30.* The King of France, and Earl *Richard* wasted the King of England's Dominions.

[3.] *Ibidem*, n. 40, 50. An. Do. 1189.

All to be Excommunicated that were Hinderers of the Peace, except the two Kings.

[4.] *Ibidem*,
n. 37. a. l. m. 2.
The Treaty
ends without
success.

The King of *England* [4.] Answered, That he would never consent to it, and offered the King of *France*, that if he would agree to it, his Sister *Alice* should be given in Marriage to his Son *John*, and that all things should be performed more fully than he desired; but the King of *France* would not yield to this, and so the Treaty ended without success.

[5.] *Ibidem*,
n. 10.
The King of
France values
not the
threats of an
Interdict.

The Cardinal [5.] threatened the King of *France*, that if he made not Peace with the King of *England*, he would interdict his Dominions; The King told him he valued it not, and said, it belonged not to the Church of *Rome* to pronounce Sentence against the Kingdom of *France*, when the King chastised his Men, (*homines suos*) or Subjects, for their Contumacy and Rebellion, and the Injuries done to the Crown; And added, That the Cardinal had smelt or received some of the King of *England's* Sterlings.

[6.] *Ibidem*.
* i. e. *Fimilis Bernardi*,
the Fortrels
of *Bernard*.
The King of
France defeats
the King of
England's
Army.
[7.] *Ibidem*,
n. 20, 30, 40.

The King [6.] of *France* presently attempted * *Ferte-Bernard*, and took it, and *Montfort*, and *Beaumont*, and *Mayen*, and *Tours*, *Ambais*, and *Chaumont*, and all the Castles and Towns round the Country, nothing stood before him; Coming to the Relief of *Mayen*, the King of *England's* Army was routed, and he fled with 700 Horse, many were slain in the pursuit: The King with a few got into the Castle of *Chinon*; [7.] And the King of *France* had now Conquered all *Tourain*, and *Main*.

[8.] *Ibidem*,
n. 50.

In the [8.] later end of *June*, or beginning of *July*, *Philip* Earl of *Flanders*, *William* Arch-Bishop of *Rhemes*, and *Hugh* Duke of *Burgundy* came to the King of *England*, who was then at *Saumur*, to make a Peace between him and the King of *France*. [9.] The two Kings, and Earl *Richard*, with their Arch-Bishops, Bishops, Earls, and Barons met at that time between *Tours* and *Arafc*, where the King of *England* submitted himself wholly to the Will and Pleasure of the King of *France*, and then did Homage to him, because in the beginning of the War he had defied him, and denied his Dominion, and the King of *France* had disowned and disclaimed his Homage.

[9.] *Ibidem*,
b. n. 10.

King *Henry*
does Homage
to the King of
France.

[1.] *Ibidem*,
n. 20.
The Articles
of Peace be-
tween King
Henry and the
King of
France.

These were the Terms of Peace, [1.] Dictated by the King of *France*; First, 'That his Sister *Alice* which the King of *England* had 'in Custody, should be delivered to one of five which Earl *Richard* 'should choose, and that she should be delivered to him in his return 'from *Jerusalem*.

* That is,
shall not be
forced to re-
turn.

Secondly, 'That *Richard* should have all the Fealties of all his 'Fathers Dominions, and that no Baron or Knight that left his Father 'to follow him, * shall return to him again, unless it be in the last 'Month, when they move toward *Jerusalem*.

Thirdly, 'The time of that motion shall be in the middle of *Lent*, 'when both the Kings and Earl *Richard* shall be at at that 'time.

Fourthly, 'All the Burghers (*de Dominicis villis Regis Anglia*) 'of the King of *England's* proper Towns, shall be free in all *France*, 'paying only their due Customs, nor shall be pleaded unless of for- 'feiture in Felony.

Fifthly,

Fifthly, 'The King of *England* shall give to the King of *France* '20000 Marks of Silver.

Sixthly, 'All the Barons of the King of *England* shall swear, That 'if the King of *England* keeps not this Agreement, they will assist 'the King of *France* and Earl *Richard* against him.

Seventhly, 'The Cities of *Mayen* and *Tours*, the Castles of *Ligdis* 'and *Trou*, were to remain in the hands of the King of *France* and 'Earl *Richard* while all things were performed.

Upon the Confirmation of this Peace, he desired [2.] to have a written Catalogue of the Names of all such as had deserted him, and adhered to the King of *France* and his Son *Richard*; which when he had received, and found his Son *John* the first Man, he was strangely surprised, and went to *Chinon*, and out of very grief and anguish of Mind, Cursed the day in which his was born, and gave [3.] Gods Curse and his own to his Sons, which he would never release, though Bishops and other Religious Men had often persuaded and admonished him to it. When he was sick to death, he caused himself to be carried into the Church before the Altar, and there received the Communion of the Body and * Blood of the Lord; Confessing his Sins, and being Absolved, he died eight days after the Feast of St. *Peter* and *Paul*, or on the Sixth of *July*, when he had Reigned Thirty four years, seven Months, and four days; and left this World about the Fifty seventh year of his Age.

Some Men believe that the averfation of King *Henry*, from the Consummation of the Marriage of *Alice* Sister to the King of *France*, unto his Son *Richard*, proceeded from the kindness he had for her himself; and *John Bromton* [4.] affirms it to be so.

[2.] *Ibidem*,
n. 30.

King *Henry*
finds his Son
John the first
that deserted
him.

[3.] *Ibidem*,
n. 40.
He Curses his
Sons, and
would never
release them.

* *Communio*
Corporis &
Sanguinis Do-
mini, Q. whe-
ther he recei-
ved it not in
both kinds.

[4.] *Col. 1141*.
n. 30, 60.

of

Of the Conquest or Acquest of Ireland.

Henry the Second had a great desire to add *Ireland* to the rest of his Dominions, and to that purpose held a Council of his Great Men at [1.] *Winchester*, on *Michaelmas-day*, where they Treated about Conquering the Kingdom of *Ireland*; but because it pleased not his Mother, *Mand* the *Empress*, for some time that Expedition was laid aside.

Yet that he might be prepared against the first opportunity should offer it self, he sent [1.] *John* of *Salisbury*, afterward Bishop of *Charres* in *France*, to *Rome*, to *Pope Adrian* the Fourth, an *Englishman*, with his Complements, and Congratulations; from whom he obtained a [2.] Privilege, by his Authority and Assent, to bring *Ireland* under his Obedience, [3.] that he might cause them to be instructed in the Rudiments of Faith, and informed in Ecclesiastick Discipline and Rules, according to the usages of the *English* Church, and received from him a Gold Ring as a Token of Investiture; First suggesting to him, That the *Irish* were a Rude People, and ignorant of the verity of Christian Faith: as appears by the *Popes* Privilege or Bull it self.

Some fourteen or fifteen years after, he had a fair occasion and advantage to put his Design in execution. There was then five (at least) Kingdoms or Dominions in *Ireland*; and many more petty Governments, whereof those that Commanded in them, were often by our Ancient Historians called Kings; [4.] One of the five Rulers was *Dermot Fitz-Murchar*, commonly called *Mac-Morogh*, who was Prince of *Leinster*; from his youth, and first entrance upon his Kingdom, he was an oppressor of the Nobility, and exercised cruel Tyranny upon the Great Men of his Land.

To the evil [5.] Treatment of his People, there was the Accession of another Mischiefe; *Oroic* Prince of *Meath* went with an Army to view the utmost parts of his Country, and left his Wife *Omachla*, the Daughter of *Herlin*, or of *O Machelin*, in an Island belonging to it. *Dermot* and she had formerly understood one another very well; yet taking the advantage of her Husbands absence, he speedily came to the place where she was, and Ravished her, because she had a mind to be Ravished. King *Oroic* mightily provoked with this indignity, breathed nothing but Revenge; and gathering together his own, and Neighbours Forces, drew into his Assistance *Roderick* Prince of *Connagh*, then Monarch of all *Ireland*. The People of *Leinster* considering in what streights their Prince was, and how he was encompassed with his Enemies, unmasked themselves, and discovering the concealed Revenge for the Injuries they had received from him. The Great Men left him, and joyned with his Enemies. *Dermot* thus forsaken, and after many Conflicts with his Enemies, with unequal Force, having been always worsted, he shipped himself, and fled to King *Henry* of *England*, then in *France*, and much busied in *Aquitain*, about reducing to obedience, and settling

of that Province: Who received him kindly; and having heard the cause of his Exile, and of his Address and coming to him, delivered with much order; After he had sworn to be his true Vassal and Subject, (not being able at that time otherwise to assist him) gave him his Letters * Patents in form following.

Henricus [6.] *Rex Angliæ, Dux Normanniæ, & Aquitaniæ, & Comes Andegaviæ, universis fidelibus suis, Anglis, Normannis, Sualentibus, Scotis, Cunctisque Nationibus sue ditioni subditis, Salutem. Cum presentes ad vos literæ pervenerint, Noveritis, nos Dermotum Lagenensium principem in Gratia nostra & Benevolentia suam suscepisse, unde & quisque ei de Amplitudinis nostre Finibus tanquam homini & fideli nostro, Restitutionis Auxilium impendere voluerit, se nostram ad hoc tam Gratiam Noverit, quam licentiam obtinere.*

Henry King of *England*, Duke of *Normandy*, and *Aquitain*, and Earl of *Anjou*, to all his Vassals or Subjects, *English, Normans, Welsh, and Scots*, and to all Nations under his Dominion, Greeting. Know ye, that We have received *Dermot*, Prince of *Leinster*, into our Favour and Protection; Wherefore, whoever within any of our Dominions will aid, assist, and help to restore him, may know he hath our Favour and License in this matter.

With these Letters he came into *England*, and for his Convenience repaired [7.] to *Brissol*, where he could by Ships coming from *Ireland*, often receive information of the State and Condition of his Country and People. While he was there, he caused the Kings Letters to be frequently read in the Audience of much People: and made great promises to settle Lands upon, and give great Wages or Pay to such as would assist, and serve him: but in vain. At length *Richard* Earl of *Strigul*, (now *Chepstow* in *Monmouthshire*) Son of Earl *Gilbert*; called *Strongbow*, came to Discourse with him; and it was agreed between them, that the Earl should next Spring assist him in the Recovery of his Country: and that *Dermot* should give unto him in Marriage his eldest Daughter, with the Succession of his Kingdom.

The Agreement thus concluded, *Dermot* was very desirous to see his own Nation, and forthwith went to *St. Davids* in *South-Wales*, from whence was the nearest Passage into *Leinster*, where *Rice*, or *Refe Fitz-Griffin* had the chief Command under the King; and *David* the Second, was Bishop of *St. Davids*; They both Commiserated the Calamity of the Exile, and pitied his Condition. At this time

(4) He was a Norman by Extraction, and Descended from [9.] *Richard* the eldest Son of *Gilbert*, surnamed *Crispin*, Earl of *Brian* in *Normandy*. Son of *Geoffrey* Bate Son to *Richard* the first of that name, Duke of *Normandy*. Thus, *Gilbert Crispin* Earl of *Brian* in *Normandy*, *Richard* his son. *Gilbert de Tonerbrigg* (from his place of Residency) his eldest Son; *Richard* his eldest Son. *Gilbert* surnamed *Strongbow* his second Son, made Earl of *Pembroke* by King *Stephen*, Anno Domini 1138. *Richard* Earl of *Strigul*, now *Chepstow*, (so called from his Residence there) his Son, Married to *Eva* Daughter of *Dermot* King of *Leinster*.

* Literas Patentes indultis.

[6.] Ibidem. King Henry's Letters Patents to Dermot.

[7.] Ibidem, c. 2. *Dermot* comes into *England*, and causes the Kings Letters to be read. He gives large Promises to such as should assist him.

[9.] Dugd. Baron. Tom. 1, f. 208, 209. *Strongbow*, what he was.

b.
c.

^b Robert Fitz-Stephan Governor of ^c Aberteife, or Aberteife, who by the Treachery of his own People, was taken and delivered to *Refe*, and by him had been detained in Bonds, and imprisoned three years, and was now released upon Condition he should take up Arms with him against the King of England. But he had no mind to that Service, and chose rather to make his Fortune abroad. By the Mediation therefore of his Brothers by the Mother, David Bishop of St. Davids, and Maurice Fitz-Girald, he obtained License of *Rice*, and in their presence made a Contract with Dermot, That upon Condition he would grant them the City of Wexford in Fee, with two Cantreds (or Hundreds) adjoining, Maurice Fitz-Girald and himself would assist him next Spring. Hereupon he returned to St. Davids, Shipped himself, and came privately to Ferns, not far from Wexford, and remained with the Clergy of that place all Winter.

[8.] Ibidem, C. 3. Anno Domini 1169, or 1170. Robert Fitz-Stephan goes to the Assistance of Dermot.

* Not upon his Countrymen, but as a Discoverer of the Country, for the Information of Earl Strongbow.

Fitz-Stephan Assaults Wexford, but is repulsed.

In the mean while Robert Fitz-Stephan, not unmindful of his Engagement, Embarked with 30 Knights, 60 Esquires, or Men at Arms on Horseback, and 300 Archers on Foot, in three Ships, and landed about the first of May at Bannogh Bay, not far from Waterford. Herveic of Mount-Maurice accompanied him, a Client or Dependent of Earl Richards, and went rather as a * Spie than Soldier. On the Morrow the tried brave and stout Maurice de Prendergast (so called from a place of that name near Haverfordwest in Pembroke-shire) following Fitz-Stephan to the Aid of Dermot, set Sail from Milford-Haven, and landed at the same place with ten Knights and many Archers, which he transported in two Ships. Not thinking themselves safe where they were, their landing being known to the Country, they dispatched Messengers to Dermot; who forthwith sent his Bafe Son Donald, with 500 Men to receive them, and came after him with all speed; where renewing the former Agreement, and confirming it with their Oaths, they joyn their Forces, and march toward Wexford, about twelve Miles from Bannogh; Upon their coming near it, the Towns-men to the number of 2000 go forth with intention to give them Battle; but when they saw the Order of the Foot, the Arms, Discipline, and Appointment of the Horse, such as before they had not known, their minds were presently changed; they burn the Suburbs, and retire into the Town. Fitz-Stephan and his Men prepare for an Assault; he caused the Ditches to be filled by the labour of Armed Men, while the Archers at a distance watched and observed the Walls and Towers; They scale the Walls with great Courage and Shouts: The Citizens make a stout Defence, throw down from the Walls great pieces of Timber and Stones, by which they hurt many, and beat them off a little. Amongst those which were hurt, one Robert Barrie, a brave young Gentleman, was beaten from almost the top of the Wall with a great

[1.] Sandf. General Hist. f. 31. Fitz-Stephan, what he was, [2.] Girald. ut sup. Cap. 2. f. 761. n. 20.

(b) He was [1.] Son of Stephen Constable of the Castle of Abertivy, by Nessa Daughter of Rhee ap Tewdor, or great Rice, or Reke King of South Wales. She had a former Husband called Girald or Gerold of Windsor, Constable of Pembroke Castle, and Father of Maurice Fitz Girald. Both these Constables were [2.] Normans, and were the Progenitors of the Fitz-Giralds and Fitz-Stephans in Ireland.

(c) From Aber the Mouth, and the River Taise or Tese, or as it is now called Tivy: Abertivy is now called Cardigan, which is seated upon that River near the Mouth of it.

Stone,

Stone that fell upon his Head-piece, yet was carried off by his Comrades with safety of his Life. Upon this Repulse they withdrew themselves from the Walls, and burnt all the Ships they could come at on the Strand and in the Haven.

He burns all the Ships in the Haven.

The nex day [3] they proceed more warily to an Assault, and when they came near to the Walls, the Citizens despairing of defending their City, and considering they unjustly resisted their Prince, desired a Treaty; the Issue whereof was, that they yielded and delivered four Hostages to be kept by him for their good Behaviour and Fidelity to him for the future. He no sooner was possessed of the City, but he gave it, with the whole Territory, to Robert Fitz-Stephan, and Maurice Fitz-Girald, according to the Agreement he had made with him, and to Herveic Mont-Maurice he gave in Fee, two Cantreds or Hundreds between Wexford and Waterford, lying upon the Sea.

[3] Girald. ut supra, l. i. c. 31.

Wexford surrendered.

Having thus reduced Wexford, by the addition of the [4] People of that place, he made up an Army of 3000 men, with which he marched toward ^d Offerie, the Prince whereof Dunenald, or Donald, amongst all his Rebels, was the greatest Enemy to Dermot. The Army advancing to the skirts and out-side of the Country, entered a little way into it, but finding the Passages into the inaccessible Woods and Bogs, so secured, Barriado'd, fortified, and guarded by the Offerians, who resolved stoutly to defend themselves, hereupon the Army retreated into the Plains, the Offerians trusting to their former good Fortune in many other Engagements, and thinking their Enemies through fear had turned their backs, issued out of their fastnesses, and pursued them in the open Fields.

[4] Ibid. c. 4. Dermot marches into Offerie.

d.

Robert [5] Fitz-Stephan, taking the advantage; faced about with his Horse, and charged them furiously, making great Slaughter with the Lances, and totally routed them; and such as the Horse overthrew and trampled down, the Foot with their Irish Axes cut off their Heads, and presented them to Dermot. After this they entered the most inward Parts of the Country, and ruined it with Slaughter, Rapine, and Burning. So that the Prince of Offerie, by advice of his Council, desired Peace, gave Hostages, and swore Fidelity to Dermot. It was rather a feigned than real Peace on both sides. Robert Barrie and ^c Meyler, were the most conspicuous for their Courage and Valor in this Engagement.

[5] Ibidem. Fitz-Stephan totally routs the Offerians.

The Prince of Offerie swears Fidelity to Dermot.

e.

(d) A Portion of Leinster anciently and at the time of Conquest a County or Earldom, Camd. Britan. f. 731. there are two of them, one named Upper-Offerie in the Diocess of Leighlin, another called the lower, lyes North of Ormond, and is a Diocess of it self, but the Bishops House and Residence is at Kilkenny. So Holshshed in the Conquest of Ireland, c. 4. Camden calleth the first Lower-Offerie, ibid. f. 741. and the last Upper-Offerie, f. 744.

(e) Henry the First, King of England, had a bafe Son [8] by Nessa aforesaid, Daughter to the King of South-Wales, called Fitz-Henry, or Fitz-Roy, he was born, bred, lived and married in Wales, and had two Sons Meiler and Robert, the two Persons here mentioned,

[8] Sandford's Generalog. Hist. f. 31.

Z z

Dermot

[6] Ibid. c. 5.
Roderic re-
solves with all
his Force to
oppose Der-
mot.

f.

Dermot [6] and his Strangers with this Success, became formidable through the Island. *Roderic* King of *Connaught*, and ^f Monarch of all *Ireland*, by his Messengers called together all the Primates, or Chief men of the whole Nation; upon Consultation, they agreed unanimously to rise against *Dermot*, and led several Armies, and an infinite multitude of Men (says my Author) into *Leinster*; most of his pretended Friends forsake him, not regarding their Promises or Oath. *Fitz-Stephan* and his men, with some few others, stuck close to him, and in a place not far from *Ferns*, surrounded with thick Woods, steep Mountains and Bogs, by Nature and Situation almost inaccessible, they secure themselves, and by cutting down Trees, and placing them so artificially, and with Ditches and Pits which they digged in places of advantage, they shut out their Enemies, yet with great Art reserved entrance for their Friends.

[7] Ibid. c. 6.
Roderic solli-
cits *Fitz-Stephan* to with-
draw, but pre-
vails not.

Roderic [7] sent to *Fitz-Stephan*, and endeavoured to persuade him by great Promises and Gifts, to depart, and leave that Country with Love and Peace where he could challenge no right, but prevailed not. The same Messengers went to *Fitz-Murchard* to *Mac Morogh*, to induce him to join Arms and destroy the Strangers, with full assurance he should peaceably enjoy all *Leinster*, and the firm friendship of *Roderic*; but could not move him.

[1] Girald.
Ibid. c. 10.
A Peace con-
cluded be-
tween Der-
mot and Ro-
deric.
*Cnothurn ac-
cording to
Stanburff.

But at length, [1] by the intervening of Messengers and Friends, a Peace was made on these Conditions, That *Dermot* should enjoy *Leinster*, acknowledging *Roderic* as Prince and Monarch of *Ireland* by due subjection; and that the Peace might remain firm, he delivered his Son **Cnoth* to him as an Hostage. This Agreement was published and confirmed by their Oaths, and it was further privately agreed between them, that *Dermot* should call no more Strangers into *Ireland*, and that such as were there, should be sent away.

[2] Ibid. c. 11.
*Maurice Fitz-
Girald* lands
at *Wexford*
with a great
Force.
Dermot
marches to-
wards *Dublin*,
and spoils the
Country.

Just after this Agreement [2] came *Maurice Fitz-Girald*, Brother by the Mother to *Fitz-Stephan*, with ten Knights, thirty other Horse-men, and one hundred Archers on Foot in two Ships, and landed at *Wexford*. *Dermot* rejoiced, and was much encouraged at his coming, and forthwith raised an Army, and marched towards *Dublin*, *Maurice* being General, while *Fitz-Stephan* was busied in building a Castle upon a Rock called *Karrec*. In a short space the whole Country belonging to the City, and others adjoining, with Depredations, Slaughters and Burnings, was almost destroyed. The Citizens desire Peace, and gave good Security for their Fidelity to their Prince for the future.

[3] Ibidem.
Roderic makes
War upon
Donald.

In the mean time there happened [3] Discord between *Roderic* Prince of *Connaught*, and *Donald* Prince of *Limrick*; *Roderic* with Arms invades the Territories of *Limrick*, *Dermot* sends *Fitz-Stephan* with his Troops to the Aid of his Son in Law *Donald*, by whole

[5] Holinsh.
Conquest of
Ireland,
f. 8. n. 10.

(f) There was always [9] one Principal Governor amongst the Irish, and he was commonly one of the *Mac Cary's* in *Monster*, *Morrogh* in *Leinster*, or *O Conors* in *Connaught*, chosen by the Nobility; he made Peace and War, and what he commanded was always done.

assistance

assistance he obtained Victory in every Conflict, insomuch as *Roderic* withdrew himself from his Government with disgrace. *Robert Barrie* and his Brother *Meiler*, were very eminent for their Bravery in these Engagements.

Fitz-Murchard or *Morrogh* [4] encouraged by this Success, having regained his Country, thought of recovering his ancient Right, and propounded to him himself, the subduing of *Connaught*, and obtaining the whole Monarchy of *Ireland*; and secretly imparts his Project to *Fitz-Stephan* and *Maurice*. They think it easily to be accomplished if he could procure more English Forces; and earnestly beseech him to send for them, that he might put his design in Execution. He wrote to *Richard* Earl of *Strigul*, to let him know that the Spring and Autumn were come and gone without seeing of him, or receiving the least assistance from him, and therefore desired him to make good his Agreement: The Earl, upon receipt of his Letters, went to King *Henry*, and earnestly supplicated him, either to restore his Hereditary Lands according to Justice, or give him leave to make his Fortune in some other Nation.

And having received a [5] dissembled rather than true License, after Winter he sent before a Young Man of his Family called **Reymund*, a stout and valiant Person, and well skilled in the use of Arms, with ten Knights, or Men at Arms, and seventy Archers, who landed at the beginning of May in *Ireland* under a Rock called **Dundolf*, four Miles from *Waterford*, on the South side of *Wexford*; where they built a weak Castle of Boughs of Trees, Wood and Turf. The News no sooner came to the Citizens of *Waterford*, and *Machlachlin Ophelan*, but they gather together a Body of 3000 men, and passing the River *Sver*, they marched towards the Ditches of the Castle in three Divisions, with intention to assault it. Such was the Courage of *Reymund*, that he and his men went forth to meet them, who oppressed with number, and not able to resist, returned to their Castle and Trenches, their Enemies pursuing and entering with them. *Reymund* seeing in what straits they were, faced about towards the Enemy, and with his Sword cut them down one by one as they entered, and with a great out-cry he called back his men to his defence, which struck Terror into his Enemies, that they gave back and fled in such confusion and disorder, that *Reymund* and his men pursuing them, killed above five hundred, with their Swords and Weapons, and threw many of them who had climbed steep Rocks for their own safety into the Sea: In this Conflict one *William Ferrand* was very Famous for his wonderful Courage and Exploits.

By this Victory [7] they had seventy of the chief Citizens of *Waterford* Prisoners and in Bonds within their Castle; for whom they might either have had the Town, or a great Sum of Money; concerning these men *Hervey* of *Mount-Maurice*, who had joyned him at his first landing with three Knights or men at Arms and Rey-

(g) *Dundolf* is a Rock in the [6] County of *Waterford* by the Sea-side, lying East from the City about eight English Miles, and is from the Town of *Wexford* about twelve Miles. It is now a Castle, called by the name of *Dundorogb*.

Z z 2

mund,

He is over-
th own, and
withdraws
with disgrace.

[4] Ibid. c. 12.
*Fitz-Mur-
chard* projects
the obtaining
the Monarchy
of *Ireland*.

He solicited
Fitz-Stephan
for more For-
ces from En-
gland.
And writes to
Richard Earl
of *Strigul* to
assist him.

[5] Ibid. c. 13.
*He was Ne-
phew to *Mau-
rice* and *Fitz-
Stephan* by
their Elder
Brother,
Reymund sent
by Earl *Rich-
ard* into *Ire-
land* with
Forces.

g.

He obtains a
great Victory
of the Irish.

[7] Girald.
Ibid. c. 14. f.
Many of the
Citizens of
Waterford taken
Prisoners

[6] Holinsh.
ut supra
f. 11. n. 40.

mund, were of a contrary opinion; *Reymund* was for their Redemption by Money, and urged, That it was against the Principles of Humanity, Piety and Honor, to destroy them. *Hervey* urged, that to spare them, was to nourish Serpents in their Bosoms, and but to give them an opportunity of revenging themselves; and put the Question, That if the Victory had been on their side, whether they would have fold them their Lives, and out of Piety given them leave of Redemption. He was for doing what they came for, subduing the Nation by Arms and Power, and by this Example so to affrighten the People, as they should not dare to oppose or resist them. This opinion pleased the Soldiers best, and so first breaking their Limbs, they threw them headlong into the Sea.

The Prisoners
cruelly de-
stroyed.

[8] Ibid. c. 16
A. D. 1170.
Strongbowe o-
verthrown
Mac-Laglin,
and takes him
Prisoner.

h.

On the 23^d of August following, Earl [8] *Richard Strongbowe* landed near *Waterford* with 200 Horse-men, or men at Arms, and about 1000 others, and on the 25th in the Morning assaulted that Town, and was twice repelled by the Citizens, and the remains of those that escaped at *Dundolf*; but upon the third attack they entered, killed very many in the Streets, and obtained a Bloody Victory. They took *Mac-Laglin* Prince of *h Ophaly*, and one *Reginald*, who by the mediation of *Dermot* had their Lives saved, and with him came *Maurice Fitz-Girald*, *Robert Fitz-Stephan* and *Reymund*, and joyned their Forces with Earl *Richard*, to whom *Dermot* gave his Daughter *Eva* in Marriage, after which Solemnity they marched to *Dublin*.

[9] Ibid. c. 17.
Dublin assaulted
and taken.

And so soon as they came before it, [9] *Reymund* and *Miles Cogan*, with a select Company of brave young men assaulted, and made themselves Masters of it, and killed many Citizens; but the Governor *Hasculph*, and the better part of them, with the best of their Goods and Jewels, got out of the other side of the City, and recovered the Ships in the Road, and sailed to the Northern Isles.

[1] Ibidem.
Roderic threat-
ens to put
Dermot's Son
to death.

Roderic King of *Connaught* was much concerned at these [1] Proceedings of *Dermot*, and sent to him to let him know, that he had broken the Peace between them, by calling so great a number of Strangers into the Island, and that he neither was mindful of his Oath, nor compassionate towards his Hostage, which was his Son; and therefore gave him notice, that if for the future he did not restrain the Excursions of his Strangers, he would cut off his Sons Head, and send it him. To which *Dermot* answered, that he would not desist, until he had subdued *Connaught*, and made himself Monarch of all *Ireland* according to his right. *Roderic* provoked with this Answer, condemned his Son to death.

[2] Ibid. c. 18.
The Irish Cler-
gy hold a
Council at
Armagh.

About this time [2] the *Irish* Clergy met in Council at *Armagh*, consulted together, and inquired into the cause of Strangers coming into their Land, and concluded it was for the Sins of the People, and especially for that they used to buy *English* Children of Mer-

(b) *Ophaly*, or *Offalie*, was that part of *Leinster*, which is now called the Kings County. *Cand. Britan. l. 746.*

chants

chants and Pirats, and make them Slaves, and for this reason they thought they lay under Divine Vengeance, and by publick consent made a Decree, That all the *English* that were in Servitude, should have their Liberty. The Historian tells us, the *English*, by a common Vice of the Country, had a Custom to [3] sell their Children and Kinsfolks, though they were neither in want or extream Poverty.

The Irish Cler-
gy Decree
that all English
Slaves be let
at Liberty.
[3] Ibidem.

King *Henry* hearing what progress the [4] Earl made, and what Success he had in *Ireland*, put forth an Edict, by which he prohibited all his Subjects from carrying any thing by Ship into that Nation, and by the same recalled all the *English*, appointing them to return by *Easter*, or to be disinherited and live in perpetual Exile. The Earl sent *Reymund* to the King then in *Aquitan*, with a Letter, in which he puts him in mind he had his License to go and assist his Vassal *Dermot*, and tells him, that as whatsoever he had acquired, proceeded from his Munificence, so it was all at his command, and should return to him whenever he pleased.

[4] Ibid. c. 19.
A. D. 1170.
King Henry re-
calls his En-
glish Subj-
cts from *Ireland*.

Reymund
pleads for
their continu-
ance there.

In the beginning of May, [5] *Dermot Fitz-Murchard*, being a very old man, died at *Fernes*.

[5] Ibid. c. 20.
l. 771. u. 50.
A. D. 1170.

About [6] *Whitsuntide* the same year, *Hasculph* sometime Governor of *Dublin*, attempting to regain that City, came into the River *Liffe*, now the Road or Haven, with sixty Ships filled with *Norwegians*, and Inhabitants of the Northern Isles, who landed and assaulted it; But *Miles Cogan* the Governor defended it so well, and his Brother *Richard* falling out upon them, beat them off with so great slaughter, that they fled; their Leader *John Thewoode* being killed, and *Hasculph* taken in the Silt or Ouse, as he was making to his Ships, who was relieved for Ranfom; but being brought before *Miles*, he told him these were but a small Company, and came only to try what might be done, but if he lived, in a short time there should come a far better and greater Force. So soon as he had said this, *Miles* caused his Head to be struck off.

[6] Ibid. c. 21.
A. D. 1171.
Hasculph at-
tempts to re-
cover *Dublin*.

He is rescued
by Cogan, and
taken Prisoner

And at last Be-
headed.

The *Irish* Princes or Great Men [7] perceiving that no recruits of either Men or Victuals came from *England* to the Earl and his Forces, collected a vast Army from all parts of the Country, and besieged *Dublin*: By the Instigation of *Lawrence* Bishop of that place this was done, and he with the Prince of *Connaught* *Roderic*, wrote to *Gottred* Prince of *Man*, and other Chiefs or Princes of the Islands, promising great rewards for their assistance, who with thirty Ships full of Fighting men, arrived in the Port of the City, or Water of *Liffe*.

[7] Ibid. c. 22.
The Irish Prin-
ces agree to
besiege *Dublin*.

Two [8] months the Siege had continued, without any relief by Land or Sea, when Victuals began to be scarce amongst the besieged; and to add to their Distress, at this time they by *Donald* Son of *Dermot*, were informed (who came from the Borders of * *Kencele*) that *Robert Fitz-Stephan* was by those People, and the men of *Wexford*, to the number of 3000, besieged in his small Castle of *Karrec*, (not far from *Waterford*) and unless he were relieved within three days, he must fall into his Enemies hands.

[8] Ibidem.
Dublin much
pressed with
want of Vi-
tuals.

* Perhaps now
Kinsale with
the Country
about it.
Fitz-Stephan
besieged in
Karrec Ca^{le}.

Within

[9] Ibid. m.

Within *Dublin* [9] there were with the Earl, *Reymund* and *Maurice Fitz-Girald*, the last was mightily moved with the Calamity of his Brother *Robert*, his Wife and Children, seeing he was to defend a Defenceless Castle made only of Boughs of Trees, Wood and Turf; [1] Reflecting upon their desperate condition, *Maurice* and *Reymund* perswade and exhort the Earl, and the small Troops within the City, to go out and attack the Enemy, who though they appeared in very great Numbers, yet were all naked and unarmed men; and to encourage and provoke them to such an Heroic and Glorious Attempt, recounts to them the Greatness and Bravery of their former Actions, that with inconsiderable Force and Numbers, they had destroyed and dispersed great Bodies of men.

[1] Ibid. c. 1.
Maurice and
Reymund per-
swade the Earl
to Sally out
and attack the
Enemy.

[2] Ibid. c. 2.

The Soldiers and Adventurers [2] strive who should Arm first, and were divided into three small Troops; in the first commanded by *Reymund*, were twenty Knights, in the second commanded by *Miles* were thirty, and in the third commanded by *Maurice* were forty, with some other Horsemen, and a few Citizens joyned to every Division or Troop; with these (leaving enough for the Guard of the City) they march out, and suddenly about nine of the Clock in the Morning, they set upon an Army of Thirty thousand men, who neither expected or thought of them, killing very many of them and dispersing the rest; *Roderic* trusting to the multitude of his men, and no ways suspecting such a desperate Sally, was Bathing himself, and hardly escaped. The *English* pursued their Enemies until the Evening, beating off and dispersing as well the Southern, as other Bodies of men, that lay on several parts of the City, under several Chiefs and Commanders, and then returned well provided with Victuals, Carriages, and Spoils. On the morrow having secured and placed sufficient Guards in the City, they march toward *Wexford*.

They set upon
Roderic on a
sudden, and
Defeat his
whole Army.

They spoil his
Camp, and re-
turn well
provided
with Victuals.

[3] Ibid. c. 2.
The *Wexfor-*
dians take
Fitz-Stephan
by a Trick.

In the [3] mean time the *Wexfordians* and *Kencelians* take *Robert Fitz-Stephan* by a Trick and Falsity, when they could not prevail by Force: They brought before the Ditches of the Castle, the Bishops of *Wexford* and *Kildare*, with other men in Religious Habits, and divers Reliques, upon which they all affirmed upon Oath, that *Dublin* was taken, and the Earl, *Maurice*, and *Reymund*, and all the *English* were destroyed, that the Army of *Connought* and *Leinster* were coming from thence and were very near *Wexford*, that they did this out of kindness to him, that he and the People with him, might quietly be conveyed over into *Wales*, before the multitude, who were his desperate Enemies, came up. *Fitz-Stephan* believing them, gave himself into their Power and Protection; they no sooner had Possession of him, but killed some of his men, beat, and grievously wounded others, and put them into Prison and Bonds. But very suddenly there came contrary news, that the Siege of *Dublin* was raised, and the Earl was marching toward them. Upon which they fired the Town of *Wexford*, and removed themselves and Goods, with their Captives, into the Isle of *Beg*, or *St. Beger*, at the mouth of the Harbour.

The

The Earl, [4] in his march toward *Wexford*, was impeached at *Odrone*, a narrow and difficult place, by reason of Bogs and other impediments, which was also fortified with Stakes, here the Forces on both sides were engaged, many of the *Irish* were slain, the *English* gained the pass with the loss of one man only, and marched into the *Champaign Country*. *Meiler* in this Fight was eminent above all others for his Valor.

[4] Ibid. c. 26.
The Earl
marches to-
ward *Wexford*
to relieve *Ste-*
phan.

When they [5] came to the Bordes of *Wexford*, they were informed of the case and condition of *Fitz-Stephan*, and of the burning of the Town, and received a Message from the *Irish*, in whose custody he was, That if they presumed to come near or disturb them, they would cut off all their Prisoners Heads; at which Message being much troubled, they directed their course toward *Waterford*, where they find *Hervey* returned from the King of *England*; who wrote to the Earl to come to him; he makes haste, and meets the King at *Newnham* in *Glostershire*, having provided an Army to be transported into *Ireland*. After much Discourse, by the Mediation of *Hervey*, the King was reconciled to him on these Conditions, That he should deliver up to him *Dublin*, with the Cantreds, Baronies, or Hundreds adjoining, and all the Maritime Towns and Castles, and he and his Heirs should hold of the King and his Heirs, all the Residue of his Conquest, or what he had obtained. Upon this Agreement the King went by Sea to *St. Davids*, and going from thence to *Pembroke*, in a short time there appeared a gallant Fleet in *Milford Haven*.

[5] Ibid. c. 28.
The *Irish*
threaten to
kill all the Pri-
soners, if the
Earl should
disturb them.

The Earl a-
grees to deli-
ver up *Dublin*
to King *Henry*.

The King pro-
vides a great
Fleet.

In the [6] mean time *Ororic* King of *Meth* taking advantage of the absence of the Earl, and *Reymund*, who was then at *Waterford*, came to *Dublin* in the beginning of *September*, entered the Ditches, and assaulted the Walls of *Dublin*; but *Miles Cogan* the stout Governor, made such a Sally, and so resolutely set upon his Enemies, that he routed them, and killed many, and amongst them, the hopeful Son of *Ororic*.

[6] Ibid. c. 29.
Ororic at-
tempts to as-
sault *Dublin*,
but is repulsed
with loss.

On the 16th of *October*, [7] the King, with 500 Knights or Men at Arms, and with many ordinary Horsemen and Archers, took Shipping at *Milford Haven* and landed at *Waterford* on the 18th. *Roger Hoveden* [8] says, he set sail with a great Army of Horse and Foot in 400 great Ships from *Milford Haven*, and landed at a place called *Croch* eight Miles from *Waterford* by nine of the Clock next day, and that he and his whole Army marched to *Waterford* on the Feast of *St. Luke*. Here he staid some days, and the Citizens of *Wexford*, [9] under pretence of Obedience and good Service, brought to him *Robert Fitz-Stephan* in Bonds, for that he first of all invaded *Ireland* without his consent. The King in great anger reproved him, and for that rash and unwarrantable Attempt, sent him in Chains to * *Reginald's Tower*.

[7] Ibid. c. 31.
A. D. 1172.
The King
Lands at *Wa-*
terford with a
great Army.
[8] F. 301. b.
n. 30. 40.

[9] Girald. ut
supra, c. 30.
The *Wexfor-*
dians deliver up
Fitz-Stephan
to the King.
* A small Tow-
er so called
upon the walls
of *Wexford*.

Hither came *Dermot Mac-Carty* [1] King of *Cork*, and of his own accord submitted to him, swore Fealty, gave Hostages, and agreed to pay a certain Annual Tribute. From hence King *Henry* with his Army, marched to *Lismore*, and from thence to *Cassil*; at these places came in upon the same terms, the King of *Limeric*, the King

[1] Ibid. c. 31.
Hoved. f. 301.
b. n. 40.
Dermot Mac-
Carty submit-
s to the King
and swears
of Fealty.

All the *Irish* Princes submit, except the King of *Connaught*.

Fitz-Stephan restored to his Liberty.

[1] Moved, ut supra. n. 30. Benedict. Abb. p. 8. b. 390. a. The *Irish* Clergy swear Fealty to him and his Heirs for ever.

[1] Moved, c. 302. a. n. 20. Iden. Abb. p. 39. b. The Charters sent to the Pope and confirmed.

[3] Girald. ut supra. c. 33. 34. The King calls a Council of the Clergy at *Cash*.

[5] App. f. 464. H. confirms their Decrees by his Royal Authority.

[6] Moved, ut supra. n. 30.

[7] Girald. c. 36. Moved, c. 302. b. n. 20.

The King leaves *Ireland* and goes to meet two Cardinals sent by the Pope into *Normandy*.

[8] Ibidem. Moved.

[9] Cap. 37. f. 778. n. 20.

King *Henry* settles the Government of *Ireland*.

of *Offery*, the King of *Meth*, and almost all the mighty men of *Ireland*, except the King of *Connaught*. The King returned back to *Waterford*, after he had received the Submissions of the *Irish* Princes, and *Fitz-Stephan* was again brought before him, and then considering his valiant Atchievements, and the greatness of his mind, restored him to his Liberty, but took from him *Wexford*, and the Territory adjoining.

All the [2] Archbishops, Bishops and Abbats of *Ireland*, came unto the King of *England* at *Waterford*, and received him as King and Lord of *Ireland*, and swear Fealty to him and his Heirs, and from every Archbishop and Bishop he received a Chart, by which [2] they acknowledged and constituted him King, and submitted unto him and his Heirs as their Kings for ever. And according to their example, the forefaid Kings and Princes received him as King and Lord of *Ireland*, and became his men, and swear Fealty to him and his Heirs against all men.

These Charters were transcribed, and the King [3] sent the Transcripts to Pope *Alexander*, who confirmed by Apostolick Authority to him and his Heirs, the Kingdom of *Ireland*, according to the form of those Charters.

The Nation being in perfect peace and quiet, the King [4] called a Council of all the Clergy thereof at *Cash*, and sent *Ralph* Abbot of *Bildewas*, *Ralph* Archdeacon of *Landaf*, *Nicholas* his Chaplain, and other Clerks to assist at it, and his design was to bring the State of the *Irish* Church, as near to the form of the *Englisch* Church as might be; and therefore he confirmed the [5] Decrees of the Council by his Royal Authority.

From *Waterford* he came to *Dublin*, [6] about the Feast of St. *Martin* or 12th of *November*, and staid there until the beginning of *Lent*; he kept a Noble *Christmass*, the *Irish* admired his Hospitality, and the Splendor of his Court.

Here King *Henry* staid until the beginning of [7] *Lent*, when he went to *Wexford*, where receiving Information that two Cardinals, *Theodinus* and *Albertus* were sent from the Pope into *Normandy*, he made hast to go to them, but very unwillingly left *Ireland* in such an unsettled condition; yet before he went, he consulted with his Friends and Chief men, and made some provision for the Security of it before he departed; he gave to *Hugh* *Lacy* all *Meth* with the Appertinences, to hold in Hereditary Fee of him and his Heirs, by the Service of 100 Horfe, and delivered *Dublin* into his Custody, and made him Justiciary of *Ireland*; and delivered to [8] *Robert* *Fitz-Bernard* in custody the Cities of *Wexford* and *Waterford*, with their Appertinencies, and commanded him to build Castles in them.

Giraldus [9] *Cambrensis* says he thus provided for the Security and Defence of the last mentioned Cities and Towns. To *Hugh* *Lacy* he left the keeping of *Dublin*, with twenty Knights or men at Arms, and also left with him *Robert* *Fitz-Stephan*, and *Maurice* *Fitz-Girald*, with other twenty Knights or men at Arms. To

Humfray

Humfray Bohun he gave the command of *Waterford*, and left with him *Robert* *Fitz-Bernard*, and *Hugh* de *Gundevill*, with forty Knights or men at Arms; *William* *Fitz-Aldein* had the Government of *Wexford*, and with him were *Philip* de *Hasting* and *Philip* de *Brew*, with twenty Knights or men at Arms. [1] Having made this Settlement, (such as it was) on *Easter* Monday Morning, i. e. by Sun-rising, he went on Ship-board in the furthestmost part of the Haven of *Wexford* toward the Sea, and landed near St. *David* in *Wales* about Noon that day (saith my *Welsh* Historian) and from thence with all imaginable speed he passed to *Portsmouth*, where the Ships lay ready to transport him into *Normandy*; he had intended to have staid in *Ireland* all the Summer, and to have reduced the King of *Connaught* and the whole Nation, had it not been for this sudden avocation into *Normandy* about the business of *Thomas* *Beckett*, and the Differences between him and the King of *France*, that were to be composed and determined by the two Cardinals.

Not long after the King's departure, having left the Nation in some tolerable Tranquility, [2] *Ororic* the once-ey'd King of *Meth*, and *Hugh* de *Lacy*, gave Counter-Security, and made Oath each to other for their safe coming and going to and from the place appointed; on a certain day met at *Ororic* Hill, to confer and discourse for the better and more peaceable ordering of their Affairs; they were to meet but a small number equal on both sides, and unarmed: *Griffin* the Nephew of *Maurice* *Fitz-Girald*, had a jealousy of the Treachery of *Ororic*, and brought with him seven choice Knights or men at Arms of his Relations; after some time spent in Discourse upon several Proposals to no purpose, *Ororic* gave the sign to his men he had laid in Ambush, for the destruction of *Hugh* *Lacy* and *Maurice*, and advanced to smite *Hugh* with his *Irish* Axe, with which stroke the Interpreter interposing himself, had his Arm chopt off, of which wound he died; *Maurice* and his Nephew *Griffin* came in to the Rescue of *Hugh* *Lacy*, which when *Ororic* saw, he intended to fly, but in the very act of mounting his Horse, *Griffin* charged him so home with his Lance, that he pierced both man and Horse, killing them both, and afterward his Servants that brought the Horse; the rest fled to the Woods, of which several were killed in the pursuit. *Ororic*'s Head was sent into *England* to the King. In this conflict *Ralph* the Son of *Robert* *Fitz-Stephan* deserved praise before others, for his Valour and Courage.

The Rebellion of the Sons of the King against him at this time, and the Dissention both in *England* and *Normandy*, and other parts of *France*, under his Dominion, (which the *Irish* very well understood) [3] gave them an opportunity of taking Arms, and endeavouring to throw off the *Englisch* Government, all the Princes of the Nation were in this Confederacy. For the Suppressing of this Insurrection, and reducing the Country into order again, Earl *Richard* *Strongbow* was sent over with the Kings Commission, who in a short time spent all the Treasure he brought over with him; his Soldiers also that were under the conduct of *Hervey* de *Monte-Morisco* or *Mont-Morice*, then * Constable or General, wanted their Pay, who came unanimously to the Earl, affirming, that unless he would make *Reymund* their General again, they would all presently leave

[1] Ibid. n. 30. A. D. 1173.

He leaves *Ireland* and hastens into *Normandy*.

[2] Ibid. c. 40. *Ororic*'s Treachery to destroy *Lacy* and *Maurice*.

Ororic killed by *Griffin* Nephew to *Maurice*.

[3] Ibid. l. 1. c. 1. The *Irish* incouraged to throw off the *Englisch* Yoke.

* *Hervey* se Constabularium jam gerente. The 5 letters desire *Reymund* for their General.

A a a

leave

leave him, and either return into *England*, or go over to his Enemies.

[4] Ibid. c. 1.
Reymund in-
vades and
plunders
Ophaly.

In [4] this time of necessity *Reymund* was made Commander in Chief of these Forces, with which he invaded *Ophaly*, and got good Plunder, recruiting his Soldiers with Horse and Arms; from hence he went to *Lismore* and plundered that City and the Country about, and laded with their great Booty some small Vessels which came from *Waterford* and other places, which they found there, and carried it to *Waterford* by Sea; in the way they were set upon by the Inhabitants of *Cork* (distant from *Lismore* sixteen Miles) who had manned out 32 Vessels of War to intercept them. There was a smart Engagement, at length the men of *Cork* were beaten, and their Admiral *Gilbert Fitz-Cuiger* killed by *Philip Wells*, a very stout young man; and *Adam* of *Hereford* came safe into *Waterford* with his whole Charge. *Reymund* was not in this Encounter, but by the way coming by the Coast to *Waterford*, met with *Dermot Mac-Carty* Prince of *Desmond* coming to the assistance of *Cork* men, they skirmished, *Dermot* left the Field, and *Reymund* went to *Waterford* with 4000 Head of Cattle.

He vanquishes
Fitz-Cuiger,
and puts *Dermot* to flight.

[5] Ibid. c. 3.

Soon [5], after *Reymund* had notice that his Father *William Fitz-Girald* was dead, and passed over into *Wales*, in whose absence *Hervey Mont-Morice* was made Constable or Commander again in Chief of these Forces; and that he might seem to do something extraordinary, drew the Earl and the Soldiers with him to *Cassil*, where the Forces of *Dublin* were commanded to meet them. In their march thither they quartered one night at *Ossory*, of which *Donald O Breen* Prince of *Limerick* had certain advice by his Scouts, very early in the Morning he beat up their Quarters, and killed 300 *Osman*s, with four Knights that commanded them, the Earl hearing this, returned in disorder to *Waterford*. Upon occasion of this accident the whole People of *Ireland* unanimously rise against the English, so as the Earl was as it were besieged in *Waterford*. *Roderic* Prince of *Connaught* passed the River *Shanon*, and invaded *Meth*, and demolished the Castles being without Garisons, and with Fire and Sword wasted the Country, almost to the very Walls of *Dublin*.

The Irish un-
animously rise
up against the
English.

[6] Ibid. c. 4.

The Earl [6] was in a great streight, and wrote into *Wales* to *Reymund*, that he would return with all speed, and bring what Aid he could, and then upon his first landing he should enjoy and receive in Marriage his Sister whom he had long loved; with all imaginable speed he and his Cousin *Myler*, with thirty Gentlemen of their kindred, an hundred Horse, and three hundred Archers, chosen men of *Wales*, shipped themselves in fifteen Vessels and landed at *Waterford*; at this time the *Waterford* men had designed to kill every English man within the Walls, but when they saw these Vessels come from *Wales* with Flags and Banners displayed, they altered their purpose: So soon as *Reymund* entred *Waterford*, with his Forces he conducted the Earl to *Wexford*, leaving the care of that Town unto one *Tyrell* or *Purcell*, him the *Waterfordians* slew, and all the English they could find in the Streets or in their Houses, Man, Woman, and Child, not sparing Age or Sex, yet the City it self was preserved by such as were in *Reginald's* Tower, who drove the

The *Waterfordians* design to kill all the English within their Walls.

the Traytors out of the City, and forced them to seek for Peace, which they obtained upon hard Conditions. At *Wexford* *Reymund* was married to *Basilia*, and the Wedding night being over, next day hearing *Roderick* King of *Connaught* had again destroyed *Meth*, and was marched into the Country near *Dublin*, went with his Forces toward him, but he stayed not his coming. *Reymund* finding him retired, repaired the Castles in *Meth*, and brought things to such a pass, as through fear of him, the Nation for some short time remained in Peace.

Reymund mar-
ries *Basilia*.

But long it was not [7] ere *Donald O Breen* or *Byin*, King of *Limerick* and *Mounseer* departed from the Fealty he had sworn to the King of *England*. Whereupon *Reymund* gathered together an hundred Knights or men at Arms, and with twenty other Horse-men as his Guard, three hundred Archers on Horseback, and as many on Foot, about the first of *October* attacked *Limerick*, and coming to the River *Shanon*, that almost encompasseth the City, which was deep and swift, they could proceed no further. *David Wells* (so called from his Family, not Country) a courageous young Gentleman, that despised Death, in respect of Honor, forced his Horse into the River and passed over it, and from the place where he was, cried out to the Army, he had found a Ford, yet none followed him but one *Geoffry Judas* a common Soldier, who was drowned. *Meiler* seeing this, envying the Courage and Honor that *David Wells* had got in his passing over and safe return, clapt Spurs to his Horse, and went through the River, notwithstanding the great danger he was to undergo from the Stones thrown at him from the Walls, and the opposition he was to meet with at his going out of it on the other side, yet he got safe upon Land, and was presently encountered by the Enemy. *Reymund* observing in what danger his Nephew was, encouraged his Army, and led them over, with the loss only of two of his Guards, and one common Soldier named *Guido*, that were drowned. He presently drove the Enemy into the City, and with great slaughter of the Citizens, took it by force; wherein the Army found much rich Booty and Gold.

[7] Ibid. c. 8.
Donald breaks
his Oath made
to King *Henry*.

David Wells
his Courage.

Reymund takes
Limerick.

When *Reymund* [8] had put the City into good order, leaving there fifty Knights or men at Arms, with 200 ordinary Horse, and as many Archers, he marched into *Leinster*, leaving Miles of *St. Davids* Governor of it. *Hervey de Monte Marisco*, envying the Honor and Success of *Reymund* (notwithstanding he was related to him by the Marriage of his Cousin *German Nessa*, the Daughter of *Maurice Fitz-Girald*) plied the King continually with secret and malicious Informations against him, insinuating and asserting that he would not only subdue and usurp to himself and followers, the Country of *Limerick*, but also the whole Nation of *Ireland*.

[8] Ibid. c. 10

Hervey endeavours to undermine *Reymund*.

The King moved with this Information, and giving credit to *Hervey*, sent [9] four Legats or Commissioners, *Robert Poer*, *Osbert de Hereford*, *William de Bendinges*, and *Adam de Gernemie*, or rather *Gernemie*, whereof two were to come with *Reymund*, being recalled into *England*, and two were to stay with the Earl.

[9] Ibid. c. 11

[1] Ibid. c. 12.
Donald besieges Limeric.

Reymund sent to relieve it.

[2] Ibid. c. 13.
Meyler enters Limeric.

[3] Ibidem.
Conaught and Tuomond swear Fealty to King Henry

[4] Ibidem.
Reymund helps Dermot against his Rebel Son.

A.D. 1177.
[5] Hoved. f. 312. b. n. 10. 20.
King Henry holds a Council at Windsor.

Put it so happened, that while *Reymund* was preparing for his passage into *England*, Messengers came from the [1] *Garrison* in *Limeric*, relating that *Donald O Breen* Prince of *Tuomond*, with a great multitude had besieged or encompassed it, and that in Winter time they had spent most of their Victuals, and therefore desired sudden Relief. The Earl was very earnest, and solicitous to relieve them, and called upon, and quickened the Army to that undertaking, but they all denied to march without *Reymund*. The Earl advising with the Kings Commissioners, at length, as well by the earnest request and pressure of him, as of them, *Reymund* undertook the Service, and marching towards *Cashil*, with 80 Knights or men at Arms, 200 ordinary Horse, and 300 Archers, besides the *Irish* he brought with him, *Murchard* Prince of *Kincel*, (perhaps now *Kynsale*) and *Donald* Prince of *Offory*, he heard that *Donald* of *Tuomond* had left the Siege of *Limeric*, and was coming to meet him at the Pass of *Cashil*, which was of it self very strong, but by new fortifying it with Ditches, cutting down of Trees, placing them Artificially, and making strong Hedges, it was made as it were impassable.

The Army [2] marched in three Divisions, *Meyler* commanded the first, who made such a furious onset at the Pass, as he almost destroyed the Hedge and Barricado of Trees, killing many of the Defendants, and opened his way through it by the Sword, on the *Vigil* or *Eve* of *Easter*, and on *Tuesday* that week entered *Limeric* with his Victorious Army, and repaired what had been ruined or destroyed by the Siege.

Not long after [3] *Reymund* had Conference with the Princes of *Conaught* and *Tuomond* on the same day, but not in the same place; after much discourse, each Prince gave Hostages, and swore inviolable Fidelity for the future to the King of *England*, and his Substitutes.

No sooner [4] was *Reymund* returned with his Hostages to *Limeric*, but *Dermot Mac-Carty* sent and supplicated him for assistance against his eldest Son *Cormach O Lechan*, who had almost driven him out of his Kingdom, promising him and his Soldiers large rewards. He takes advice about his request, and then marches to *Cork*, takes the Town, subdues the Rebel Son, and restores the Father, and returned with much Booty and good satisfaction to *Limeric*. Under pretence of Peace, the Son caught his Father and imprisoned him; the Father, under the same pretence, got his Son and chopt off his Head.

After this the Prince of *Conaught* sent his Submission and Conditions to the King of *England*, [5] by his three Commissioners, *Catholic* Archbishop of *Tuam*, *Cantord* Abbat of *St. Brandan*, and *Laurence* his Chancellor. On the sixth of *October* the King held a great Council at *Windsor*, present there, the King his Son, the Archbishop of *Canterbury*, and the Bishops of *England*; and present also *Laurence* the Archbishop of *Dublin*, and the Earls and Barons of *England*, where they made this Concord and Agreement on behalf of *Roderic* of *Conaught*.

First,

First, The King of *England* [6] granted to *Roderic* his Liegeman the Kingdom of *Conaught* so long as he should serve him faithfully, that he should be a King under him, ready at his Service, as his * Vassal or Man, and that he may hold his Land as well and in Peace, as he held it, before the King of *England* entered *Ireland*, paying unto him Tribute, &c.

Second, If any of his People were Rebels to the King of *England*, and him, and refused to pay Tribute by his hand, and to perform other Rights to the King of *England*, he should Justice or punish and remove them, and if he could not Justice them, the Constable of the King of *England*; and his force should do it, &c. with several other things mentioned in the Concord it self.

In this Council King *Henry* [7] gave unto Mr. *Augustin* an *Irish* Bishop, the Bishoprick of *Waterford* then void, and sent him over with *Laurence* Archbishop of *Dublin*, to be consecrated by *Donat* Archbishop of *Cashil*.

In the next year [8] Pope *Alexander* the Third sent *Vivian* Priest, Cardinal, Legat of the Apostolick See in *Scotland*, and the circumjacent Isles, and in *Ireland* and *Norway* to hear and determine in Ecclesiastical Causes.

This year about the beginning of *June* died [9] Earl *Strongbowe* at *Dublin*, of whose death *Reymund*, then in *Desmond*, [10] had notice from his Lady *Bastia*, which he indeavoured to keep private from the *Irish*, and immediately upon the news he called a Council of his most knowing and trusty Friends, to consider what was to be done in the present Constitution of Affairs, and for that *Reymund* was suddenly to depart for *England*, they resolved to remove the *Garrison* out of *Limeric*, and disperse it into the *Maritim* Towns, and the strong places in *Leinster*, to reinforce them, and to leave the charge and defence of that City, to *Donald O Brien* or *Breen* of *Tuomond* Prince of *Limeric*, as one of the King of *England*'s Barons, who gave new Hostages, and made fresh Oaths for to defend the Town, restore it to the King of *England* upon demand, and to preserve the Peace. But the *English* were no sooner over one end of the Bridge, but *Donald* caused the other end to be broken down, and the City to be fired in four places; from hence the Army marched to *Dublin*. The *Irish Annals* place the death of Earl *Richard*, and the coming of Cardinal *Vivian* into *Ireland*, in the year following A.D. 1177.

The Kings [2] Commissioners after the Earls death, make hast into *England*, and acquaint the King with the change of Affairs in *Ireland*, who forthwith sends * *William Fitz-Adelm* * Procurator thither, with ten Knights or Men at Arms of his private Guards or

(4) This *William* was reckoned as one of the Household of *Dapifer* to King *Henry* the Second, Hoved. f. 301. b. n. 40. and was *Senechal* of *Normandy*, *Poitou* or some other his Dominions in *France*, he was *Luxurious* and *Proud*, yet *Covetous*, and scraped together much Wealth, by indirect as well as fair courses. He was harsh, unkind and injurious to the Officers both *Military* and *Civil*, which he found in *Ireland*. He was negligent in his Government, and therefore continued but a short time in it, *Girald. Cambren.* l. 2. c. 16, 17.

Household

[6] Append. N. 38. Conditions and Articles between King *Henry* and *Roderic*. * *Sicut homo suus.*

[7] Hoved. f. 313. a. n. 10. *Augustin* made Bishop of *Waterford* by King *Henry*.

[8] Ibid. f. 316 a. n. 20. A.D. 1176.

[9] Ibid. lib. 6. Earl *Strongbowe* dyed at *Dublin*. [10] *Girald. Cambren.* sup. c. 14.

Reymund commits *Limeric* to *O Brien*.

He breaks down the Bridge, and fires the Town

[2] Ibid. c. 14. * In *Hibernia* procurator venit missus. a. *William Fitz-Adelm* sent Procurator into *Ireland*.

b.

Household to attend on him, and joynd with him *John de Curcy*, with whom he sent ten others of the same Quality. Also *Robert Fitz-Sirphan*, and *Miles Coghan*, (who for two years last past, had served him nobly and bravely in his Wars of France and England) with twenty to attend upon their Persons: *Reymund* hearing they were landed, marched to *Wexford*, and received them with great respect and kindness, and forthwith delivering up the Cities, Garrisons, Forts, and Hostages of all Ireland, to *William Fitz-Adelm* as *Senschal*, sent by the King.

[5] Ibid c. 16. f. 79. lin. 1.
John de Curcy boldly sets upon Ulster.

[6] Hoved. f. 320. b. n. 10. 20.
He takes Down.
[7] Ibid. & Girald. Cambren. lib. 1. Expugn. lib. 2. c. 16. f. 794. n. 20.
A. D. 1177.

He obtains a Victory over Roderic and Dunleue.

[8] P. 182.

[9] F. 148. 1 take this to be the Book of Houth, so often cited by Camden and Dr. Hamner.

[1] Ibidem. John de Curcy's descent.

* F. 193. b. n. 10

John de Curcy [5] finding *William Fitz-Adelm* to act Covetously, Timorously, and Deceitfully, as not being faithful to those under his command, or formidable to the Enemy. He took out of the Forces of *Dublin*, which by the sloath of the General, and for want of Pay, and their usual refreshment by Plunder, two and twenty Knights or men at Arms, and 300 others. And boldly sets upon the Kingdom or Province of *Ulster*, not yet attempted by the English Arms.

Cardinal [6] *Vivian* beforementioned was with King *Guthred* in the Isle of *Man* at *Christmas*, and after *Epiphany* or *Twelve-day* passed into *Ireland* and remained at *Down*, the chief Town then of *Ulster*; while he was there about *Candlemas*, [7] *John de Curcy* came before that place and took it, without trouble, the Governor *Dunleue* (or perhaps *Donald*) not being provided for a defence, fled. The Cardinal mediated a Peace between the King and *John*, but without effect. Whereupon *Roderic* King of that Province, and *Dunleue* raise an Army of 10000 *Irish* in few days, and march toward *Down* to besiege it; *John de Curcy* thought it could no ways be for his advantage, to be shut up in a Fortrefs he had built in a corner of the City, and therefore drew out the few men he had, not exceeding seven hundred, and went toward them, resolving to try the Fate of a Battle: They came to a sharp and cruel Engagement, wherein he obtained the Victory, with a mighty slaughter of his Enemies, though not without great loss on his own side. *Roger Poer* a stout young Gentleman, was the second eminent Person in this Action.

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(b) * Hoveden calls him Miles de Coggebam; Richardus Comes de Strigul, magno congregato exercitu invasit Hiberniam, & maximam illius partem subjugavit sibi, auxiliante ei Milione de Coggebam, viro bellicoso, & facta concordia, cum Rege Diviliina, filiam illius in uxorem duxit, cum Regno Diviliina, thac is, Zelffer.

acquainted

acquainted with Sir *Amoric Trifram* who married *Curcy's* Sister, and whether from the Ladies name, or that they were married on *St. Laurence* day, he was ever after called *Amoric de Santo Laurencio*; and his Descendents always bore that Surname, from whence the Lords of *Houth* were lineally descended. These two Knights became sworn Brethren in the Church of our Lady at *Rhone*, where they solemnly vowed to serve together, to live and dye together, and equally divide between them what they got by the Sword, or should be given them for their Service; thus they continued together in *France*, *Anjou*, *Normandy* and *England*; and when Sir *John de Curcy* was joynd in Commission with *William Burgh*, *Fitz-Adelm*, and others, Sir *Amoric de Santo Laurencio*, or *St. Laurence*, accompanied him into *Ireland*, where *Curcy* received a Grant from the King by Patent for him and his Heirs or Assigns to enjoy in that Nation all he could Conquer with his Sword, relerving to the King Homage and Fealty. They Landed at *Houth*, and there by a Bridge were opposed by the *Irish*, with whom there was a Bloody Conflict. Sir *John de Curcy* was then sick and remained on Ship-board, Sir *Amoric* being General, behaved himself most worthily, many fell on both sides; and he got the Victory, with the loss of seven of his own Blood and Relations, for which good Service, and his Valour, Sir *John de Curcy* allotted him the Lordship of *Houth*, with other things, as his share of the Conquest. This seems rather an Invention of the Frier, concerning the Original of the House of *Louth*, by the manner of the Story, than a real Truth, but as I find it, I leave it, and pass on to the four other Battles.

The first [2] was fought on *Midsummer-day* following, before the Walls of *Down*, with fifteen thousand *Irish*, in which *Curcy* was Victor, and beat them so much, that the *Ulster* men had no great stomach to set upon the *English* afterward; here Sir *Amoric* was wounded and lost much Blood, his Wounds were so many and so dangerous, that he was given over by Physicians and Chirurgions for nine days, yet recovered; his Son Sir *Nicholas St. Laurence* was almost in as ill a condition with his Wounds, yet did well again.

The Second was in [3] *Fern* against Eleven thousand *Irish*, the *English* not being above a tenth part of the number: The occasion of it this, Sir *John de Curcy* had built many Castles in *Ulster*, especially in that part of it called *Fern*, where *Mac Mahon* lived; he was very kind to *Curcy*, and had sworn to be a true and faithful Subject; whereupon he gave him two Castles with the Lands belonging to them; within a month *Mahon* pulled them down and levelled them with the ground. *Curcy* demanded the reason of his so doing; his answer was, he did not promise to hold Stones of him but Land. For which Practice and slight answer, *Curcy* resolved to pillage and drive all the Cattle he could out of his Country; the Prey was so great, that it could not be driven in one Body, and therefore was divided into three parts, as were *Curcy's* men that drove it. The ways were narrow, Boggy, and Miry, having thick Bushes on both sides, and the three Drovers of Cattle were three Miles in length.

(e) *Houth*, a Town or place within a Bay not far from *Dublin* Haven.

He enters into a strict Alliance with Sir *Amoric de Santo Laurencio*.

Four Battles fought by *John de Curcy*.
[1] lb. f. 192. He beats the *Ulster* men.

[3] lb. & f. 153. 154. He conquers the *Irish* at *Fern*, and takes a great number of Cattle.

The

b.

Household to attend on him, and joynd with him *John de Curcy*, with whom he sent ten others of the same Quality. Also *Robert Fitz-Stephen*, and *Miles Coghan*, (who for two years last past, had served him nobly and bravely in his Wars of *France* and *England*) with twenty to attend upon their Persons: *Reymund* hearing they were landed, marched to *Wexford*, and received them with great respect and kindness, and forthwith delivering up the Cities, Garisons, Ports, and Hostages of all *Ireland*, to *William Fitz-Adelm* as *Seneſcal*, sent by the King.

[5] Ibid. c. 16. f. 79. l. 11. *John de Curcy* boldly sets upon *Usher*.

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[6] Hoved. f. 70. b. n. 10. 20. He takes *Down*. [7] Ibid. & Girald. Cambren. lib. 2. c. 16. f. 794. n. 10. A. D. 1177.

Cardinal [6] *Vivian* beforementioned was with King *Guthred* in the Isle of *Man* at *Christmass*, and after *Epiphany* or Twelfth-day passed into *Ireland* and remained at *Down*, the chief Town then of *Usher*; while he was there about *Candlemass*, [7] *John de Curcy* came before that place and took it, without trouble, the Governor *Dunleue* (or perhaps *Donald*) not being provided for a defence, fled. The Cardinal mediated a Peace between the King and *John*, but without effect. Whereupon *Roderic* King of that Province, and *Dunleue* raise an Army of 10000 *Irish* in few days, and march toward *Down* to besiege it; *John de Curcy* thought it could no ways be for his advantage, to be shut up in a Fortrefs he had built in a corner of the City, and therefore drew out the few men he had, not exceeding seven hundred, and went toward them, resolving to try the Fate of a Battle: They came to a sharp and cruel Engagement, wherein he obtained the Victory, with a mighty slaughter of his Enemies, though not without great loss on his own side. *Roger Poer* a stout young Gentleman, was the second eminent Person in this Action.

He obtains a Victory over *Roderic* and *Dunleue*.

[8] P. 182.

[9] F. 148. I take this to be the Book of *Houh*, so often cited by *Camden* and *Dr. Flammer*.

[1] Ibidem. *John de Curcy's* descent.

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* F. 193. b. n. 10

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acquainted

acquainted with Sir *Amoric Tristram* who married *Curcy's* Sister, and whether from the Ladies name, or that they were married on *St. Laurence* day, he was ever after called *Amoric de Sancto Laurentio*, and his Descendents always bore that Surname, from whence the Lords of *Houh* were lineally descended. These two Knights became sworn Brethren in the Church of our Lady at *Rhone*, where they solemnly vowed to serve together, to live and dye together, and equally divide between them what they got by the Sword, or should be given them for their Service; thus they continued together in *France*, *Anjou*, *Normandy* and *England*; and when Sir *John de Curcy* was joynd in Commission with *William Burgh*, *Fitz-Adelm*, and others, Sir *Amoric de Sancto Laurentio*, or *St. Laurence*, accompanied him into *Ireland*, where *Curcy* received a Grant from the King by Patent for him and his Heirs or Assigns to enjoy in that Nation all he could Conquer with his Sword, reserving to the King Homage and Fealty. They Landed at *Houh*, and there by a Bridge were opposed by the *Irish*, with whom there was a Bloody Conflict. Sir *John de Curcy* was then sick and remained on Ship-board, Sir *Amoric* being General, behaved himself most worthily, many fell on both sides; and he got the Victory, with the loss of seven of his own Blood and Relations, for which good Service, and his Valour, Sir *John de Curcy* allotted him the Lordship of *Houh*, with other things, as his share of the Conquest. This seems rather an Invention of the Frier, concerning the Original of the House of *Houh*, by the manner of the Story, than a real Truth, but as I find it, I leave it, and pass on to the four other Battles.

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[3] Ib. & f. 153. 154. He conquers the *Irish* at *Fern*, and takes a great number of Cattle.

The

The English defeated their Prey by an Ambuscade of the Irish.

The Irish in like manner divided themselves into three Bodies, and lay in Ambush in the Woods ready to take all advantages; when they fit upon the English, they made such shouts, and such an hideous noise, that the Cows (saith my Author) ran like Devils, and overthrew Horse and Man, so that more were trodden under foot in the Dirt and Mire by the Cows, than were killed by the Sword of the Irish. The English were broken to pieces, Sir Roger Par (for this Book Knights them all) was taken Prisoner, and rescued by Sir Amoric, and he and Sir John Curcy, in their flight, and in several Skirmishes, killed nineteen score of those that persecuted them, amongst whom was Mac Mahon himself, slain by the base Son of Sir Amoric; at length in the Evening they by chance recovered an old Fort, in which they secured themselves. Sir Amoric, after a short sleep, went out to discover the Enemies Camp, (which was not far off, as appeared by the great Fires they had made in it,) and to see in what posture they were; he found they were in a careless and negligent condition, without either almost Watches or Guards, and most of them asleep; he made a speedy return, and pressed his Brother Sir John de Curcy, that they might march with all their strength, and catch them Napping, which was done, and they killed the Irish without resistance, and so many of them, that not above Two hundred escaped that were very nimble footed. The English lost the day before Four hundred men, and in this Mornings work only two.

The Irish routed and slain by Sir Amoric's Policy.

[4] Lib. c. 16. f. 795. lin. 6.

Giraldus Cambrensis [4] in his short Account of this Action, says only, it happened in the taking of Prey, and by reason of the narrow passages, after many great and doubtful Fightings and Skirmishes, John de Curcy was overcome, many of his men being slain, and others dispersed in the Woods, so as he hardly escaped with eleven men; yet with an undaunted Courage, and with so small a number, he marched Thirty Miles on Foot (having lost their Horses) armed, and fasting two days and nights, continually defending themselves from the attacks and assaults of their pursuing Enemies, until they recovered his own Castle.

[5] Har. Chronicle of Ireland, f. 155. v. 6. Anciently in Latin Ergalia, it contained the Countries about Louis, Atmaghan, and Ard-magh.

The Third was [5] fought in that part of Ulster called * Uriel. John de Curcy had sent into England for Victuals, Ammunition, and other necessities, by stress of Weather the Ship that brought them, was driven into a Creek there, called Torthead. O Hanlan with other Irish, board the Vessel, kill the men and Mariners in it, and make it a Prize. Curcy drew his men together, and marches toward the Newry, to go into Uriel, but in his march, he had notice that the Irish of those Parts were in Arms, and provided for their defence, and were incamped South of Dundalke. The English marched toward them, and procured a Poor Frier to go and tell them, that there were great Forces arrived from England at Tre or Dregdagb, and that they were marching toward them; the English, when they came within a Mile of the Irish Army, they went forward in such order as might make the greatest shew, and appeal many in number, by the advantage of the places where they marched; The English approaching make a great shout, with which the Irish were so daunted, as they broke their order, tumbled one upon another, and attempted to pass the River, when the Tide coming in, many were drowned,

drowned, and others that dare not adventure through the Water, were killed by the English; O Hanlan with his men had passed the Water. The Frier shewed unto the English a Ford, where they went over and pursued the Irish, which were about 6000, and the English 1000; the matter was so ordered on both sides, that they must fight; the Conflict was sharp, the English Foot gave back, and left Curcy in the midst of his Enemies; his Brother Amoric comes in to his relief, rallies, and encourageth the Soldiers, who charged the Irish so briskly, as they made them retreat: The slaughter was great on both sides, and each of them drew off without boasting of Victory.

A Fight between Curcy and O Hanlan.

The Fourth [6] was at the Bridge of Ivori where Curcy prevailed and slew many of his Enemies. These were the great Acts of John de Curcy, who commanded those English Forces that subdued Ulster, after which he built many Castles in fit places for the Security of it, and established there a firm Peace.

[6] lb. f. 157. Girald. ut sup. l. 2. c. 16. f. 795. n. 10.

While John de Curcy [7] was thus employed in reducing Ulster, Miles Cogan who was * Constable of, or had the chief command of the Forces of Dublin, and Governor of that City, under William Fitz-Adelm Seneschal of Ireland, with Forty Knights, 200 other Horse-men, and 300 Archers, passed the River Shannon, and invaded Connaught, the men whereof burnt their own Cities and Towns, hid their Food and Victuals in Caves under ground, and drove their Cattle into Fastnesses. The English * Forces went as far as Twomond or Tuam the Metropolis, and staid there eight days, but not finding wherewithal to subsist, returned to the Shannon, where Roderic Prince of Connaught met them with three great Bodies of men. There was a sharp Fight, and many of the Irish slain, but Miles and his men got safe to Dublin, with the loss only of three Horse-men.

[7] Ibid. c. 17. * Dublinens. familie consabularius, & urbis custos, &c. Miles Cogan invades Connaught.

After this William Fitz-Adelm was recalled, and [8] Hugh de Lacy was by King Henry made Procurator General, that is, Seneschal or Governor of Ireland. Rex Henricus Hugonem de Lacy generalem Hibernia Procuratorem constituit.

* Anglicana familia cum Tuemoniam Metropolim pervenisset, &c.

[8] Ibid. c. 18. A. D. 1177.

This same year in a general Council at Oxford, [9] King Henry made his Son John King of Ireland, by the Grant and Confirmation of Pope Alexander. Venit Rex Oxenford, & in Generali Consilio ibidem celebrato, constituit Johannem filium suum Regem in Hibernia, confirmatione, & confirmatione Alexandri summi Pontificis. Benedictus Abbas [1] says he purchased or procured a License from Pope Alexander, to make which Son he would King of Ireland. Rex perquisivit ab Alexandro summo Pontifice quod liceret ei filium suum quem vellet coronare, & Regem facere de Hibernia.

[9] Hoved. f. 323 n. 20, 30, 40, &c. Henry makes his Son John King of Ireland. [1] P. 97. a.

He gave in the same [2] Council to Robert Fitz-Stephan, and Miles de Cogan, the Kingdom of Cork for the Service of sixty Knights, to hold of him and his Son John, except the City of Cork, and one Cantred or Hundred, which the King reserved to him and his Heirs. The King gave also to Herbert Fitz-Herbert, and William the Brother of Earl Reginald, and Jollan de la Pomeray their Nephew the Kingdom of Limerick, for the Service of sixty Knights, or for sixty

[2] Hoveden ut supra. Henry grants to Fitz-Stephan and Cogan the Kingdom of Cork.

Knights Fees, except the City of *Limeric* and one Cantred which he retained to him and his Heirs: He likewise delivered to *William Fitz-Adelm* his Dapifer or Senechal, the Custody of the City of *Wexford*, with all its Appertinencies; and decreed, that for the future the places following should belong to the Service of *Wexford*, *Harkelow* with its Appertinencies, *Glasgarrie* with its Appertinencies; and the Land of *Gilbert Boisrohard*, *Ferneg*, *Winal* with its Appertinencies, and all the Land of *Hervey* between *Wexford* and the River of *Waterford*, the Service of *Raimund de Druna*, the Service of *Fro-drevelan*, the Service of *Uthmorth Leighlerin*; the Tenement of *Mac Taloc* with its Appertinencies; and *Leu* the Land of *Geoffry of Consetime* with its Appertinencies, and all the Land of *Otneld*.

King *Henry* also delivered in Custody unto *Robert Poer* his Marshal, the City of *Waterford* with all its Appertinencies, and ordained, that for the future these places following should belong to the Service of that City; all the Land which is between *Waterford* and the River beyond *Lismore*, and all the Land of *Ossery* with its Appertinencies.

He also delivered in Custody unto *Hugh de Lacy* *Dublin*, with all its Appertinencies, and ordained that these places following should belong to the Service of *Dublin*, the whole Land of *O Felana* with its Appertinencies, and *Kildare* with its Appertinencies, and the whole Land of *Ophaly* with its Appertinencies, and *Wicklow* with its Appertinencies, and the Service of *Meth*, and the Service of four Knights Service, which *Robert Poer* owes for his Cattle of *Dunavet*.

When the King had thus [3] given the Lands in *Ireland*, and divided their Services, he made all those to whom he had committed the Custody of them, to become his and his Son *John's* Men or Vassals, (*homines suos & Johannis filii sui Devenire*) and to swear Ligeance and Fidelity to them for those Lands.

Afterward he gave [4] to *Philip Bruise* the whole Kingdom of *Limeric* for the Service of sixty Knights, to hold of him and *John* his Son, for *Herbert* and *William* the Brothers of *Reginald* Earl of *Cornwall*, and *Johan de la Pumeray* their Nephew, would not have that Kingdom, because it was not then fully subdued, for the *English* had killed the King of *Limeric*, who was the King of *England's* Vassal, and a great and potent man of his Lineage, invaded and took that Kingdom, owning no subjection to the King of *England*, nor would he obey his People, for their unfaithfulness, and the Injuries they did to the *Irish* without cause or provocation.

Robert Fitz-Stephan and *Miles Cogan* [5] conducted *Philip Bruise* to his Government, but when he came near *Limeric*, the Inhabitants set the Town on Fire in spight: *Robert Fitz-Stephan* and *Miles Cogan* offered their assistance for the recovery of the City and Kingdom of *Limeric*, but *Philip* refused to come and live among such People, and so returned with them to *Cork*.

Some time after this [6] *Miles Cogan* and *Ralph* Son to *Robert Fitz-Stephan* that had married his Daughter, went toward *Lismore*

Dublin committed to *Hugh de Lacy*.

[3] Th. 3. 24. a. lin. 8. All to whom Lands were committed, swear Fealty to the King and his Son *John*. [4] Ibid. n. 20.

[5] Girald. Cambren. l. 2. c. 18. *Limeric* fired by the Inhabitants.

[6] Ibidem.

to treat with the *Waterford* men, and determined to lodge with one *Mac-Tyre* that night, who had invited them: But while they were in the Field expecting the *Waterfordians*, stealing upon them unawares, he killed them and five other Knights, whereupon *Mac-Carty* and *Mac-Tyre*, with the *Irish* in those parts, put themselves into Arms, refusing subjection to the *English*, and designed to destroy *Robert Fitz-Stephan* whom they had besieged in *Cork*; his Nephew [7] *Raymond* heard in what distress he was, and shipped himself at *Wexford* with twenty Knights, and an hundred Foot and Bow-men, and landed at *Cork*, encountred the Enemy, killed many, caused others to fly, and forced the greatest number of them to sue for Peace and live quietly.

The King hearing of the death of *Miles*, [8] sent *Richard Cogan* his Brother with a choice Band of men to succeed in his place in the Kingdom of *Cork*; a man no way inferior to his Brother for Courage and Martial knowledge.

Hugh de Lacy at this time governed *Ireland* [9] with great Prudence and Moderation, he recalled such as had been violently thrown out of their Habitations, so as in many places the Lands were stocked and cultivated again; in a short time he established the Nation in such Peace, and by his Generosity and kind behaviour so allured the *Irish*, and obliged the great men, that he was much suspected to have aimed at the Dominion, Crown, and Scepter of that Nation.

This suspicion of him increasing, [1] he was recalled from his Government, and *John Constable* of *Chester*, and *Richard de Pec*, were sent by the King to undertake that Charge, but before he went, and in the time of his Government, he had built very many Castles, and placed Garisons in them for the security of the Kingdom.

Hoveden placeth this [2] Revocation, and sending of the new Governours in the year 1181. and says, they would not continue him Governour any longer, because he had married the Daughter of the King of *Connaught* according to the Custom of the *Irish*; which might add much to the suspicion of his Usurpation. He also saith, [3] that *Laurence* Archbishop of *Dublin*, some time before and about *Candlemas*, came into *Normandy*, and brought with him the Son of the King of *Connaught*, and delivered him to the King of *England* as an Hostage, for the performance of the Agreement between them, concerning the Tribute of *Ireland*.

These two Governours were sent into *Ireland* in [4] Summer this year, and I find nothing done by them there; in the following Winter *Hugh de Lacy* was restored to the Kings Favour, and having given Security to him, had the Care of that Nation again committed to him, and with him *Robert* of *Shrewsbury* a Clerk was joyned in Commission by the King, as his Coadjutor and Counsellor, and Witness of his Actions; upon this Resumption of the Government, he built many other Castles for the security of the *English* Interest.

King *Henry*, as he had given [5] the Dominion of *Ireland* to his Son *John*, so now he resolved he should go thither, and in the beginning

Miles Cogan treacherously slain by *Mac-Tyre*.

[7] Ibid. f. 797 n. 10.

[8] Ibid. m. *Richard Cogan* his Brother succeeds him.

[9] Ibid. c. 2. 9. The *Irish* quietly submit to the Government of *Hugh de Lacy*.

[1] Ibid. c. 2. 1. A. D. 1181. Upon suspicion he is recalled, and new Governours appointed.

[2] F. 348. b. n. 30.

[3] Ibid. n. 301

[4] Ibid. c. 2. 2. *Hugh de Lacy* restored to the Government of *Ireland*, with *Robert* of *Shrewsbury* his Coadjutor.

[5] Ibid. c. 2. 4. A. D. 1182. *King Henry* gave the Dominion of *Ireland* to his Son *John*.

John Camin
Archbishop
of Dublin.

Hugh Lacy dis-
charged from
his Govern-
ment of Ire-
land, and Phi-
lip of Wore-
ster sent in his
stead.
He exacts
great Tribute
from the
Clergy.

[6] Hoveden
f. 359. a. n. 20.
50 A. D. 1185.
Girald. ut su-
pra. c. 31.
John, King
Henry's Son,
goes into Ire-
land.

* The Author
of the Con-
quest of Ire-
land.

[7] Ibid. c. 35.
f. 367. n. 40.
The Irish
came to com-
plement John,
they are de-
spised by his
Followers.

They fly to
the Kings of
Limerick, Con-
naught, and
Cork, and
make their
Complaints
to them.

[8] Ibid. f. 308.
l. 1. &c.

Those three
Princes were
prepared to
come to John
and acknow-
ledge their
subjection to
him.
But were di-
verted by the
ill usage of the
Irish.

[9] Ibid. n. 50.
King Henry re-
moved the
young men
from the Af-
fairs of Ire-
land, and puts
inexperient
men.

John de Curcy
made Govern-
nor of Ireland.

ginning of August sent before him John Camin an English Monk of Exeter (lately chosen Archbishop of Dublin upon the Death of Laurence) to prepare things against his coming; at the same time Hugh Lacy was discharged from his Government, and Philip of Worcester, in the beginning of September, was with Forty Knights sent in his stead: The first thing he did, was to seize again the Lands Hugh Lacy had aliened and sold away to the King's use; in the beginning of March he went to Ardagh with a great Army, and exacted and forced from the Clergy a great Tribute of Gold, and from thence marched to Down, and so returned with the Tribute to Dublin.

As he had determined, King Henry having prepared all things for his Voyage, [6] sent his Son John into Ireland. Ranulph Glanvill Principal Counsellor of the King and Kingdom, and Justiciary of England, conducted him to his very Ship, which he entered in Milford Haven on Wednesday in Easter week in the Evening, and arrived with the rest of the Fleet at Waterford next day about Noon, with 400 Knights or men at Arms, and many other ordinary Horse-men and Archers. Many Clerks were sent with him, and amongst the rest * Giraldus Cambrensis was by his Father appointed his chief Director and Tutor.

At the very first coming of John the Kings Son, there met him at Waterford [7] all the considerable Irish of those Parts, who had been faithful to the English, and lived peaceably under them, who were derided and despised by the New men and Normans that came over with him. The Irish wore long and great Beards, with which these light young men played many tricks, and abused them otherwise. These men got themselves out of Town and repaired to their own homes, from whence they departed with their Families and all they had, some to the King of Limerick, others to the King of Cork, and some to Roderic King of Connaught; To these they declared how they had been abused and ill treated; and told them what a stripling the King's Son was, and how he was accompanied and governed by very young men, in whom was no Gravity or Sobriety, no Stanchness or Prudence, by which they or their Country might be safe and secure.

These three Princes [8] were then prepared to come and wait upon Earl John, to acknowledge their subjection, and pay their Duty to him. But hearing this news, and suspecting what might be the end of such beginning, concluded to join together against the English, and enter into a League of Defence of their Liberties and Country, and now became Friends, who before were Enemies.

Upon these Misdemeanors [9] King Henry removed these young People that understood not the Affairs of the Nation, and put in experienced men who had been employed in the Conquest of it to manage them, and made John de Curcy Chief Governour of Ireland, who with the Army scowred the Countries of Cork, Limerick, and Connaught, and made them quiet.

At

At the time of committing these Extravagancies, [1] there were in Ireland three different Interests, and three such, as then they called Armies, one of the Normans, another of English, and a third of Welsh. The first were in great Favour, the second in less, and the third in none at all: The Normans were Luxurious, drinking much Wine, they refused to be placed in the Marches or Borders against the Enemy, or in Castles far from the Sea, they were always with, and not to be separated from the Kings Son; They were great Talkers, Boasters, and Swearers, very Proud, and Contemners of all others, greedy of Places of Honour and Profit, but backward in undertaking any hazardous or dangerous Action, or performing any Service that might deserve them; and for these reasons the old Militia that first invaded the Island, seeing themselves neglected and slighted, and the new men only caressed, sate still and acted not, so as Earl John made small progress in the further subduing of that Country.

After this Giraldus Cambrensis tells us, how Ireland was to be completely conquered, and how to be governed, and then shuts up his History in these words. Finem igitur his Historia [2] ponentes: Dum ea quae scimus loquimur, & quae vidimus fideliter restati sumus; novis de cetero Historicis tam indolis egregia, gesta futura digno coequanda, explicandaque stilo nunc relinquamus.

In his Topography of Ireland he is frequently Fabulous and Romantick, relying upon Tradition, common Story, and Relations of the People. The greatest part of his History is undoubtedly a true Narrative of things done, though it is tedious to read, being written in long Tropical Sentences, and as it were Quibbling, Convertible, and Giggling Latin, which was the Eloquence of those times.

I have as it were Epitomized him in this Relation of the Conquest or Acquest of Ireland, not having heard of, or found any other that hath given so good an Account of it. He tells many times of strange Victories obtained by very few men against great Numbers, which Stories may have some allowance, if we consider how fearful the Irish were of Bows and Arrows, which killed and wounded at distance, The * use whereof they seemed not to know, before they had been taught it by frequent Fighting with the English; and how they were confounded and amazed at the Arms, charging, and management of the Horse-men, until for some time they had been used to them, and began to understand it.

Hoveden [3] says, that King Henry, after the return of his Son John out of Ireland, without doing any thing considerable there, hearing Urban was chosen Pope, sent to him, and obtained many things which his Predecessor Lucius would not grant; amongst his Favours, one was, That he had leave confirmed by his Bull, to make which Son he would King of Ireland, and as an Argument and token of this Concession and Confirmation, he sent him a Crown of Peacocks Feathers interwoven with Gold.

* The Irish Arms were only a short Lance, two Darts, and a sharp Hatchet which they used with one hand; and they threw Stones when their Arms failed, such as they could grasp in one hand, which they had always ready; Cambren. Topograph. Hibern. Distinct. 3. c. 10. f. 738. n. 50.

[1] Ibid. f. 809
n. 30, 40.
Three differ-
ent Interests
in Ireland.

Giraldus Cambrensis his Character of the Normans in Ireland. The first Subduers of Ireland discontented. John the Kings Son did nothing considerable in that Nation.

[2] Ibid. f. 811
n. 10.

[3] f. 359. a. n. 50. b. n. 40. A. D. 1185. John the Kings Son returns out of Ireland: The Pope by his Bull, gave King Henry leave to make which Son he pleased King of Ireland. And sent a Crown of Peacocks Feathers interwoven with Gold.

There

[4] Annal. i.
beron.
A. D. 1186.
Hugh de Lacy
his strange
Death.

His Head was
cut off by an
Irish Laborer.

[5] Lib. 2. li.
beron. Expugn.
c. 34. f. 807.
n. 20.

[6] Ibid. c. 30.
Roger Poer
treacherously
slain by the
Irish.

[7] Ibid. f. 810
n. 50. c. 37.

[8] Hoveden
f. 361. b. n. 40.
Two Cardi-
nals sent by
the Pope to
Crown John
King of Ire-
land.

His Corona-
tion deferred
by his Father.
He was only
Lord of Ire-
land.

[9] Girald.
Camb. lib. 2.
c. 32. f. 806.
n. 20.
Henry the Sec-
ond his Title
to Ireland.

There is nothing more to be found of this *Hugh de Lacy*, but his [4] Death, which the Annals of *Ireland* tell us happened in this manner; when he was very bulic and intent, about building the Castle of *Dervath*, and finding the *Irish* he employed in preparing the Ground, and doing other things toward the erecting of it, very unskillful at the use of the Tools and Instruments they wrought with, he himself undertook to shew them how they were to work with them, and while he took a Pick-Axe out of the hand of one of them to shew him the use of it, and striking with it, held it in both his hands, and stooped inclining his Head, the man chopt it off with an Hatchet or *Irish* Axe. *Cambrensis*, that I know of, hath not the full Relation of this Story, but in his Recapitulation of things done in *Ireland*, this is [5] one among the rest, where he saith thus. *De Hugonis de Lacy à securibus male securi, Dolo Hibernensium suorum apud Dervath Decapitatione.*

Not long after *Roger Poer*, who under this [6] *Hugh* commanded the Forces at *Leshlin* in *Offory*, was treacherously slain, and amongst others, is by *Cambrensis* reckoned as one that lost his Life [7] by the Treachery of the *Irish*.

In the year 1187. after *Christmas*, [8] Pope *Urban* sent into *England* *Ostavian* Sub-Deacon Cardinal, and *Hugh de Nunnant* (afterward Bishop of *Coventry*) his Legats, with power to pass into *Ireland*, and Crown *John* the Kings Son. But his Father deferred the Coronation, and carried the Legats into *Normandy*, to a Conference between him and *Philip* King of *France*. So that not being Crowned, *John* contented himself with the Title of Lord of *Ireland* ever after.

Besides the Title of Conquest, King *Henry's* [9] Title of meer Right was, That *Richard* Earl *Strongbow* who married *Eva* the Daughter and Heir of *Dermot Mac Murchard* King of *Leinster*, granted all his Right and Title to him; and the rest of the Princes in a short time after, voluntarily subjected themselves to him, and gave him an irrefragable Title.

A Catalogue of many of the Chief *Adventurers* in the Conquest of *Ireland*, made out of *Giraldus Cambrensis*, as it is to be found in *Camdens Description* of that Kingdom, and in *Dr. Hammer* f. 136. Corrected in many places.

Robert Fitz-Stephan }
Maurice Fitz-Gerald } Half Brothers by the Mother
David Barry.

Henry de Monte Marisco, Married Nesta Daughter to Maurice Fitz-Gerald.

William Nott.

Maurice de Prendregast.

Meyler, Son of Henry Fitz-Henry, who was Son of King Henry 1st. by Nesta Mother to Robert Fitz-Stephan, and Maurice Fitz-Gerald.

Raymond le Goffe, Nephew to Robert Fitz-Stephan, Married Basilia the Sister of Earl Strongbowe.

William Ferrand.

Richard Strongbowe, Earl of Stigul alias Chesfow.

Miles Cogan alias Cogham } Brethren and Nephews to Robert Fitz-

Richard Cogan alias Cogham } Stephan and Maurice Fitz-Gerald.

Henry Second King of England.

Hugh de Lacy.

William Fitz-Adelm.

Ralph Abbat of Buldewas in Normandy.

Ralph Arch-Deacon of Landaf.

Nicholas the Kings Chaplain.

Humphry de Bohun.

Robert Fitz-Bernard.

Hugh de Gundewilla.

Philip de Breusa alias Braosa.

William de Breusa alias Braosa.

Philip Hastings.

Silvester Giraldu, Barry, *Cambrensis*, Director or Tutor to John the Kings Son.

John Redensford.

William Fitz-Maurice, Eldest Son to Maurice Fitz-Gerald, he Married Alnia the Daughter of Earl Strongbow, *Cambren. lib. 2. c. 5.*

Girald } Two other Sons of Maurice Fitz-Gerald.

Alexander }

Griffin the Son of William Fitz-Maurice.

Adam Hereford } Brethren.

Hereford }

Purcell.

Ann. Dom.
1170.

Ann. Dom.
1170.

Nicholas

Nicholas Wallingford a Prior, afterward Abbat of Malmesbury.
David Welsh Nephew to Raymond le Groffe.

Geofry Judas.

Reymond Kantitunensis.

Reymond Fitz-Hugh.

Miles of St. Davids.

Osbert of Herford alias Haverford West.

William Bendanges.

Roger Poer alias Puyer.

Adam of Gernemre alias Gernemne.

Hugh Tirell.

John de Courcy.

Almeric, alias Amoric de Sancto Laurentio, though not found in Cambrensis.

Hugh Cantwell.

Redmond Cantimore.

Church

Church Affairs in this Kings Reign, whereof the chief and greatest, are contained in the Brief, but Clear Account of the Life and Death of Thomas Becket Archbishop of Canterbury.

IN the Second year of his Reign, King Henry to the Honor of God and Holy Church, and for the Emendation of his whole Kingdom, Granted and confirmed to God [1] and Holy Church, and to all Earls, and Barons, and all his men, (omnibus hominibus meis) All the Customes (omnes Consuetudines) which his Grandfather King Henry Gave and Granted to them by his Charter, and abolished all ill Customes; and therefore Willed and firmly Commanded, That Holy Church, and all Earls and Barons, and all his men (or feudataries) should have and hold all those Customes, Donations, Liberties, and free Customes, freely, quietly, wholly, and in peace of him, and his heirs, to them and their heirs, so freely, quietly, and fully in all things, as King Henry his Grandfather gave and granted, and by his Charter confirmed unto them.

About the Year 1162. certain [2] Wandring people, called Publicans, came out of Germany into England, which had infected many parts of France, Spain, Germany, and Italy with their Doctrines. They were in number about thirty men and women, who dissembling their Design, came peaceably into the Nation, under the Conduct of one Gerard, who they respected as their Master and Leader. He was somewhat Learned; but the others were unlettered, ignorant, meer Rusticks, who spake the Teutonic Language, and were of that Nation: They had been some time in England, yet Converted one Woman only. Being discovered they were put in Prison: The King not willing to Dismiss or Punish them without Examination, Convened a Council of Bishops at Oxford, before whom they were Convented touching their Religion, where Gerard undertaking the Cause, and speaking for them all, Answered they were Christians, and had a veneration for the Apostolic Doctrine, and being interrogated concerning the Articles of Faith, they answered rightly as to the Substance of them concerning God; * but as to the Divine Sacraments they spake perverse things, Abhorring and Detesting Baptism, the Eucharist, and Marriage, and Derogating from the Unity of the Church: When they were urged with the Testimonies of holy Scripture, they Answered they Believed as they had been Taught, and would not dispute concerning their Faith. Being admonished to return to the Unity of the Church they despised all advice: And being Threatened, they Laughed, that for Fear they should be brought to Repent, saying, Blessed are they that suffer Persecution for Righteousness sake, for theirs is the Kingdom of Heaven.

Ann. Doml.
1155.
[1] Append.
N. 40.
King Henry's
Grant to Holy
Church, and
to the Earls,
Barons, &c.

1 Gul. Neubr.
lib. 2. c. 13.
A. D. 1162.
A Sect called
Publicans, 1
came out of
Germany into
England.

They were
Convented
before the Bi-
shops,
Their Opin-
ions.

* De Divinis
Sacramentis
perverse dice-
runt, Sacrum
Baptisma, Eu-
charistiam &
Conjugium de-
testantes.

Ccc

Then

[1] Ibidem. The Bishops pronounce them Heretics. They are delivered to the secular power. They are burnt in the forehead, and Whipped. They rejoice at their punishment.

Then [3] the Bishops publickly pronounced them Heretics, and Delivered them over to the Temporal Power to be Corporally punished. The King Commanded they should be Burnt in the Forehead with the Mark of Heretics, and be Whipt out of the City, in the Sight of the people, strictly forbidding every person to give them Lodging or any other Comfort: They Rejoiced at the Execution of the Sentence, and made hast through the City, their Leader singing before them, Blessed shall ye be when men hate you, who was doubly Canterized in the Forehead and Chin. It was in the Depth of Winter, and they miserably perished, none affording them succour.

The Life, Actions, and Behaviour, &c. of Thomas Becket Arch-Bishop of Canterbury.

[4] Gul. Fitz-Sepp. p. 1. Col. 1.
[5] Ibidem. Tho. Becket Educated at Paris. Cleric to the Sheriffs of London.

Thomas [4] Becket was the Son of Gilbert sometime Sheriff of London. [5] In his Childhood he was taught in his Fathers House, and the City Schools; in his Youth he Studied at Paris. Upon his return he was in part received into the care of the Government of the City of London, and was made Cleric to the Sheriffs, and their Procurator, Accountant, or Manager of that Office, in which he behaved himself laudably, and learnt the Wisdom of this World, by which afterwards he knew well how to transact the Common affairs of the Church of England, and the public business of the Kingdom, or secular Government. *Reversus receptus in partem Sollicitudinis Reipublice Londinensis, & vicecomitum Clericus & rationalis istius, famibi laudabiliter se habens, didicit prudentiam huius Lucis.* [6] *2^a postmodum probe noverat, Communia Ecclesie Anglorum, & publica totius Regni egregie & magnifice tractare negotia.*

[6] lb. Col. 1.

[7] Ibidem. How he was brought to the knowledge of Arch-Bishop Theobald.
[8] lb. 2. Col. 1. By him he was employed to Rome.
[9] Ibidem & p. 3. Col. 1. His first Prefement.

He [7] was brought to the knowledge of Theobald Archbishop of Canterbury, by two Brethren of Bologn, Baldwin Archdeacon, and Master Eustachius, oftentimes his Fathers Guests; and of the Retinue and acquaintance of the Arch-Bishop, [8] who sent him several times to Rome upon business concerning the English Church, where he was in great favor with the Popes, and great Officers of the Roman Church.

He went to Bononia and Auxerre, and studied Law.

The [9] first Prefement he had, was the Church of St. Mary in the Strand (which stood I think where Somerset House is now built) given him by the Bishop of Worcester; then the Church of Oxford given him by the Arch-Bishop. Then he was made Prebend of St. Pauls London, and also Prebend of Lincoln. By leave of the Arch-Bishop he passed the Sea, and Studied the Laws one year at Bononia in Italy, and afterwards at Auxerre in France. In process of time the Arch-Bishop ordained him Deacon, and made him Arch-Deacon of Canterbury, who was then after Bishops and Abbats, the first and best Clergy man in England, the Arch-Deaconry being worth to him, one Hundred Pounds of Silver by the Year.

By

By the [1] mediation and procurement of the Arch-Bishop and the Bishop of Winchester he was made Chancellor, and proved mightily popular. His [2] House and Table was common to all indigent persons of whatsoever order coming to Court. There was scarce a day passed, but he Eat with Earls and Barons, which he himself invited; he commanded his Rooms of Entertainment should every day be strewed with fresh straw or hay, in Winter; and with fresh Rubies, or green grass or leaves in Summer; That the multitude of Knights or Military men, the Seats could not receive, might sit down upon a clean floor, left their fine Cloaths, and shirts might be Spotted and Sullied with the Dirt or Dust.

[1] Ibidem p. 4. Col. 1. He is made Chancellor His Popularity His Entertainment, and the manner of it.

The [3] Great men of England, and Neighbour Kingdoms, sent their Sons to serve him, from whom they received ingenuous Education, and were often Knighted and sent back to their Parents with honor. The King himself placed his Eldest Son with him, and recommended him to his Education, whom with many of the Sons of Noblemen, and their Retinue, their Masters or Tutors, and proper Servants he had alwaies with him, and treated them with all due honor.

[3] lb. Col. 1. p. 6. Col. 1. The Kings and Noblemens Sons Committed to his Education.

To him [4] Noblemen and Knights without number did Homage, which he received saving their Faith to the King. *Cancellario Homagium infiniti Nobiles & Milites faciebant, Quos ipse talia fide Domini Regis recipiebat.* There was scarce a day in which he did not give some large boons, as Horses, Hawks, rich Cloathes, Gold or Silver utensils, or money. And his Liberality and bounty was such, that he became the love and delight of all Europe, and was most acceptable to the King, Clergy, Military men, and people, *Regi Clero, [6] Militie, populo, erat acceptissimus.* Thus he behaved himself in Peace, let us see what he did in War.

[4] lb. & Col. 2. & p. 7. Col. 1. His Homagium in Quadrilogy. He receives homage of Noblemen, &c. His Bounty and Liberality [6] Militia here signifies Tenets in Capite, Earls Barons Knights and other Military men, as it alwaies doth in old Historians.
[7] lb. p. 8. Col. 2. His great Retinue.

In the [7] Army and Siege of Tholose, when all England, Normandy, Anjou, Britany, Poitou, and Scotland, furnished out Soldiers to the King, The Chancellor had a chosen number of Seven Hundred Knights of his own Family or Forces. See more of this matter in the Reign of this King, f. 302. E.

After [8] the Death of Theobald, the King being confident, he would serve and obey him, according to his will and pleasure, as when he was Chancellor, resolved to preferre him to the Arch-Bishoprick. To which he was unanimously chosen by the Suffragans of his Province, and in the year of our Lord 1162. in the Octaves of Pentecost, on the Feast Day of holy Trinity in the Metropolitan Church, in the presence of all the Suffragan Bishops was presented to the Church of Canterbury, by Henry Son and Heir of King Hen. 2d. and by Richard de Luci and other great men of England, on behalf of the King then beyond Sea, and was ordained by Henry Bishop of Winchester, and Pope Alexander the 3d. sent him a pall by his Cleric or Chaplain John of Salisbury afterwards Bishop of Chartres in France, and well known by the name of Ivo Carnotensis. Hoviden says, King Henry gave him the Arch-Bishoprick. [9] *Anno ab incarnatione Domini 1162. Hen. Rex dedit Tho. Cancellario Archiepiscopatum Cantuarie;* That is named him, or gave him a Conge Desire.

[8] lb. p. 10. Col. 1. & Col. 2. He is made Arch-Bishop of Canterbury. A.D. 1162. The See of London was then void. Gervas. Dor. Col. 169. n. 20.

[9] f. 181. a. n. 20.

[1] lb. & p. 11, 12, 13. After his Consecration he changed his manner of living, and proved Disobedient to the King.

[2] lb. p. 14. Col. 1.

[3] Ibidem. The Kings mind alienated from the Arch Bishop.

[4] lb. Col. 2.

[5] Ibidem. The Kings displeasure against him. The Militarie men Dissatisfied at the Arch-Bishops proceeding against the Earl of Clare.

[6] Ibid. p. 15. Col. 1.

The Arch-Bishop pretends to a right of presentation, to all livings, in all Towns possessed by his great Tenants and Monks. He Excommunicates William de Eynesford a Tenant in Capite, and Absolves him to please the King.

The Insolence and wickedness of Clerges.

[7] lb. Col. 1. Guilty of great Crimes. a Coepiscoporum.

The King would have them tried in his secular Court.

[8] lb. p. 16. Col. 1.

After he was consecrated [1] Arch-Bishop he became another man, put on a severe and rigid Monks Habit, lived an austere life, and altered, chose, and ordered his family accordingly; and contrary to the Kings hope and expectation, he withdrew himself from the Kings obedience and service, and contradicted him in many things. [2] *Postquam Rex Archiepiscopum fecerat, a suo se retraxit obsequio, & in pluribus contradixit.*

Some [3] Court Clerges and Bishops about the King who fearing the Titles of their Preferments, and the Arch-Bishops power, perswaded him that if it should go on, his power must come to nothing, and unless he provided for the security of himself and Heirs, he should at any time be King, whom the Clergy would choose, and he should Reign as long as the Arch-Bishop pleased. [4] This faith mine Author was the first cause of the Kings displeasure against him.

It [5] heightened the anger of the King, and Militarie men of the Kingdom (or Government) That he designed to recover the Castle of Tenebrige from the Earl of Clare, and that whole honor long ago aliened from the Church of Canterbury, because according to the Decretals, it was lawfull for his Predecessors and the Stewards to manage the farms of the Church, as to increase them; not to lessen or alienate them. To this Earl of Clare almost all the Nobility of England were allied.

The [6] Arch-Bishop had, or challenged a right to present to the vacant Churches in the Towns as well of his Barons, as his Monks, and gave the Church of Eynesford in Kent to one Laurence a Priest. The Lord of the Town William de Eynesford molested the Servants of Laurence, and forced them out of the Town. The Arch-Bishop Excommunicated him; he applies himself to the King, who writes to the Arch-Bishop to Absolve him; whose answer to the King was, That it belonged not to him to command any man to be excommunicated or absolved. The King insisted upon his Royal Dignity or Prerogative, That no Tenant in Capite ought to be Excommunicated without his Knowledge or Consent; At length the Arch-Bishop to please the King Absolved him: from henceforward the King had no kindness for him, thobefore he had obtained of him liberty to enjoy the whole Dignity of his Church, and that he might seek to recover all the Lands which had been aliened by his Predecessors, or were possessed by Lay-men.

Long before this the King had been angry with the Clergy, in the time of Arch-Bishop Theobald, having been provoked with the insolence of some of them, who had committed Rapin, Theft, and Murder. [7] For this reason the King demanded of the Arch-Bishop, That by the Consent of him and his Fellow-Bishops, such Clerges as were taken in, convicted of, or had confessed any great crime, should first be degraded, and forthwith delivered to his Court, That they might be corporally punished, and not have any protection from the Church. [8] He demanded also, That when any Cleric was degraded, some of his Officers might be present to take him into Custody, that he might not fly and escape that punishment.

The

The [9] Arch-Bishop when he could not obtain leave to deferre his Answer untill next morning, went apart with the Bishops, and discussed the matter. The Bishops were of opinion, that according to the secular Law, Clerges were to be degraded, and delivered to the Secular Court, to be corporally punished, which they proved not only by Laws, but authentic Examples.

But he [1] following the Canons, thought otherwise, asserting it was unjust, against the Canons and against God, that any man should be twice punished by two several Courts. And added that they ought to be very careful that they destroyed not the liberty of the Church, by their own Consent; for which by example of their High Priest, they were by Duty bound to contend unto Death. [2] The Bishops replied, that if they consented to what the King demanded, the Church was in no danger, and that they ought to yield to the wickedness of the time, (as they called it) lest the King should seize all their Temporalities. The Arch-Bishop persisted in his opinion, and told them they might not expose any man to death, That could not be present at a sentence of Blood.

The King [3] not like to prevail in this, asked them, if they would observe his Royal Customs or Laws. The Arch-Bishop answered in all things. [4] Saving their Order, by and in all things. Afterward he asked the same thing of every Bishop in order, and they all gave him the same Answer. At which the King was much troubled, and left them. The Bishops fearful of the Kings Anger, followed him, and consented to acknowledge his Laws without any [5] saving, but the Arch-Bishop was immovable, and said; far be it from him, That for the fear or favor of any Mortal man, he should be found to condemn God. [6] If an Angel should come from Heaven, and give him advice to make such an absolute acknowledgement, he would curse him.

When the [7] King on a certain time was at York, a Burgefs of Scarborough complained to him of a Dean (a rural Dean) that had taken from him 12 s. and enjoined his Wife penance as an Adulteress without proof, contrary to the Kings Law. The Dean was Convented before the King, the Arch-Bishop, the Bishops of Lincoln and Durham, and John Treasurer of York, who not being able to clear himself, the Kings Barons were joyned to the Bishops to pronounce sentence upon him. John the Treasurer thought it sufficient if he restored the Burgefs his money again, and was left to his own Bishops mercy, whether he should keep his Office or not. [7] Richard de Luci asked what satisfaction the King should have for the Breach of his Law, John answered, nothing, because he was a Cleric, whereupon he refused to be present at the Passing of the Sentence, and went out with the other Barons to the King, who appealed from this sentence, but being called beyond Sea, upon extraordinary business, did not prosecute the Appeal.

The [8] Justices Itinerant being at Dunstable, there happened a Controversie between Simon Fitz-Peter, and Philip de Broc Canon of Bedford. Simon informed the King that Broc in a great audience had spoken dishonorably of him. The King accused him before the Arch-Bishop, and not being able to deny it, excused himself, that it was done

[9] Ibidem. The Arch-Bishop calls together the Bishops. They were of opinion

Clerges were to be Degraded, and Delivered to the secular Court.

[1] Ibidem. The Arch-Bishop says it was against the Canons, and Cautions them about the Liberty of the Church.

[2] lb. Col. 1.

& p. 17. Col. 1

[3] lb. Col. 2.

[4] Salvo eam per omnia & in omnibus ordine nostro.

The Arch-Bishop and Bishops answer to the King about keeping his Royal Customs.

[5] lb. p. 18. Col. 1.

[6] lb. Col. 2. The Case between a Burgefs of Scarborough and a Dean.

[7] Richard de Luci was then Justiciary of England.

Satisfaction Demanded for Breach of the Kings Law.

The Insolence and Crimes of Clerges.

done in passion. The King demanded judgment against him. The Clergy judge him to lose the *Benefit* of his *Prebend* for a year, and Banishment out of England for that time, but this satisfied not the King.

There was a *Clerc* in *Worcestershire* that had corrupted an honest *mans* Daughter, and afterwards killed her Father, This man the King would have tried in his *Secular Court*, *Arch-bishop Thomas* would not permit it, but caused him to be kept in the *Prison* of the *Bishop* of the *Diocese*, lest he should be delivered to the *Kings Justices*.

Another *Clerc* Stole a *Silver Chalice* out of a *Church* in *London* called *St. Mary's* in the *Market*. This man the King would have tried in his *Secular Court*, The *Arch-Bishop* caused him to be tried in the *Ecclesiastical Court*, where he was Sentenced to be degraded, and to appease the King, to be branded in the face with an *hot Iron*.

The King resolving to have the *Clerics* severely punished for these and the like *Crimes*, and to assert the *Rights* of his *Crown*, called a general Council at *Clarendon* about the Feast of *St. Hilary*, in which he propounded to the *Bishops* and *Secular Barons*, many ancient and *Royal* [2] *Customs, Laws, and Usages*, which he would have the *Bishops* own, and recognize as the *rights* of his *Crown*. The *Bishops* were willing, but the *Arch-Bishop* would not consent. The King sent to him the *Earls of Cornwall and Leicester* to incline him to acknowledge them, but they could no ways prevail. At last two *Templars Robert de Hastings, and Hostens de Bolonia*, went to him, and by throwing themselves at his feet, with many *Tears* and great *Lamentation*, overcame him, so as he promised without *fraud*, or any *Reservation* or *Saving*, really to receive and submit to the *Kings Laws* which he called *Ancient*. *Fitz-Stephan* [3] says that the two last Messengers, with *Tears* laid before him the danger he was in, and what the ill consequences of his standing out would be for fear of Death, and that he might appease the King; both the *Arch-Bishops* and all the *Bishops*, consented to all those *Laws* and established them with their *Seals*; and that the King afterward sent them to the *Pope* to be *Confirmed*, who not only refused to do that, but *Cassated* and *Damned* them. These *Laws* and *Customs* King *Henry* pressed the *Bishops* to receive, had been received and practised in *Normandy*, and in all probability brought from thence into *England*, as appears by an [4] *Inquisition* found by the *Nobility* of that *Nation*, which declares the *Rights* of the King over *Churches* and *Ecclesiastical* persons there.

The *Arch-Bishop* [5] soon repented of this Act, and severely Chastized his own Body, he thought it so heinous, and that it had defiled him so much, as he was not fit to say *Mass*, or to appear before the *Altar*; and therefore omitted that service for some Weeks, until by his *Confession* and *Penance* he thought he deserved the *Popes* Absolution, which he [6] obtained without Difficulty.

But

Porriation and Murder. For which the Arch Bishop would not permit Tryal in the Kings Court.

Sacrilege.

[1] Moved. f. 282. a. n. 40. Gervus Dorob. Col. 1389. n. 60. Fitz-Steph. p. 20. Col. 1. A. D. 1164. A General Council at Clarendon. [2] See Appendix. n. 41. The Arch-bishop and Bishops do consent to, and own the Kings ancient Laws. [3] p. 20. Col. 2.

The Pope damns them. They were brought from Normandy. [4] Appendix. n. 42.

[5] Fitz-Steph p. 20. Col. 2. The Arch-bishop repents he acknowledged the Kings Royal Customs. [6] Appendix. n. 42.

But considering what danger he was in, [7] prepared to leave England, to avoid the Kings Anger, and at *Rimsley* a Town of his own, he twice put to Sea, but either had no wind, or a contrary one, and was forced to come again on Shore, and [8] went from thence in the night to *Canterbury*, the news whereof the King received with great joy, fearing that if he had got beyond Sea, he would have put his whole Province under an *Interdict*.

The King suspecting he might [9] Escape unpunished, Commanded the *Bishops* and great men to meet at *Northampton*, the third day before the Feast of *Calixtus* the *Pope* (which was the 12th of *October*) *Fitz-Stephan* [1] says it was on the Octaves of *St. Michael*, that is, on the 6th of *October*, and that he was there with the *Arch-Bishop*, *Ordina Sancti Michaelis, feria tertia, Concilii dicta, die Rex aderat; Ipsa die venimus Northampton.*

In this Council the *Arch-Bishop* [2] was accused upon the occasion of a Controversie between him and *John Marshall* (or the *Marshall*) This *John* demanded of the *Arch-Bishop* a Maner or Farm, which was a Member of one of his Towns called *Pageham*: He came with the *Kings Writ* into the *Arch-Bishops Court* to remove the Suit, it may be supposed) where he could gain nothing, (as having no right faith mine Author) and as the Law then was, he proved the Defect of the *Arch-Bishops Court* (that he had not right done him, as may be supposed) and Swore upon a *Tropaz* or Book of Old Songs (as *Gervase* of [3] *Canterbury* calls it) which he drew from under his Coat, and the Justices of the *Arch-Bishops Court* accused him for Swearing upon that Book, whereas he ought to have Sworn upon the Gospels.

John comes to the King, and procures his *Writ*, by which the *Arch-Bishop* [4] was required to answer him in the *Kings Court*, and the day appointed for his appearance was *Holy-wood Day*, or the fourteenth of *September*. The *Arch-Bishop* came not at the Day, but sent to the King four Knights, with his *Letters*, and the Letter of the Sheriff of *Kent*, attesting the Injury of *John*, and the Imperfection of his proof (that is, because he had Sworn upon the *Tropaz*, and not upon the Gospels.)

The Monk of *Canterbury* [5] reports he sent, duos legales homines per quos excusatus est, Quod citatus non venit ad Regis presentiam; non enim Contemptus fuit, sed infirmitate valida inuitus retentus est. Two lawfull men to make his Excuse that he appeared not before the King, that it was not out of Contempt, but by reason he was unwillingly detained by great Sicknes.

However it was, The King was very Angry, that [6] he came not in his own person, to make the Allegations the Knights brought, whom he treated with Threats, as such that against the Kings Citation, brought into his Court false and frivolous Excuses, and scarce let them go free though they had given security.

[7] Fitz-Steph at supra. And twice attempts to make his Escape. [8] Gervas. Dorob. Col. 1389. n. 10.

[9] Ibid. n. 30. The great Council at Northampton. [1] p. 21. Col. 1.

[2] Ibid. C. 2. The Controversie between the Arch-Bishop and John the Marshall. Who complains he could not have right in the Arch-Bishops Court. [3] ut supra, n. 40.

[4] Fitz-Steph p. 21. Col. 2. And cites him into the Kings Court. He delays to appear.

[5] Ut supra. And excuseth himself by reason of sickness.

[6] Fitz-Steph ut supra, & p. 22. Col. 1. The King Angry because he came not in person.

At

[7] Ibidem.
The Arch-Bishop is cited by the Sheriff of Kent, and appears in the Kings Court.
[8] Ibid.
[9] Ibidem.

At the [7] Request of John he appointed another day, (to wit) the first day of the Council, and sent his *Writ* to the Sheriff of Kent to *Cite* the Arch-Bishop, for the King would not write to him, because he would not salute him. Nor had he any other *Solemn Summons* to the Council by *Letter*, according to *ancient Custome*. [8] The Arch-Bishop appeared, and said he was come by the Kings Command for the cause of John. The King replied that John was in his service at London, and would be there on the Morrow, and then their cause should be discussed. [9] *Erat siquidem Johannes ille cum thesauris, & ceteris fiscalibus pecunie & publici aeris Receptoribus Londoniis ad Scaccarium &c. Ubi etiam placita Corona Regis Trahantur*; for this John was amongst the Officers of the Receipt of the Chequer in London, where also pleas of the Kings Crown were handled or holden. That first day there was nothing more done between the King and Arch-Bishop, the King bad him go home, and return to his cause on the Morrow.

[1] lb. Col. 1.

On the Second [1] day before all the Bishops, except the Bishop of Rochester and another which were not then come, and all the Earls and Barons of England, and many of Normandy, *Archiepiscopus Ise Dufestatis, Corona Regia arguitur*. The Arch-Bishop was accused of *Treason*, because as is said before, he was cited by the King in the cause of John, and neither came, nor made a sufficient Excuse. The Arch-Bishops defence signified nothing; yet he Alledged the foresaid Injury of John, the proper Jurisdiction of the Cause, and the Integrity of his Court.

[2] Ibidem.
The King demands Judgment.

The King [2] Demanded judgment; no Reason of the Arch-Bishop was approved: It seemed to all, out of Reverence to Royal Majesty, and the Bond of Liege Homage, that the Arch-Bishop made to the King, and from the Fidelity and Observance of Terrene Honor, which he had Sworn to the King, That he made *small* Defence; because when cited by the King he neither came, nor by his Messengers alledged any Corporal infirmity, or necessary administration of any Ecclesiastical Office, that could not be deferred. And they Condemned him, to be in the Kings Mercy for all his Moveable Goods.

He is Condemned in the forfeiture of all his moveables.

[3] lb. & p. 3. Col. 1.
Difference between the Bishops and temporal Barons in pronouncing judgment.
[4] Ibidem.

There was a Difference [3] between the Bishops and Barons, who should pronounce Judgment, each of them imposed it upon other, excusing themselves. The Barons said, you Bishops ought to pronounce sentence, it belongs not to us, we are Lay-men, you Ecclesiastical persons. So he, you are his fellow-Priests, and Fellow-Bishops.

To these things [4] one of the Bishops Answered, yea its rather your Office then ours; for this is not an Ecclesiastic Sentence, but a Secular, we sit not here as Bishops, but Barons, we are Barons, and you are Barons; we are Peers or equals here, (*pares hic sumus*.) You cannot rely upon our Order, for if you have respect to that in us, you must also have Regard to it in him, and then as we are Bishops, we cannot Judge our Arch-Bishop and Lord.

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The King [5] bearing of this controversy about pronouncing Sentence: it was soon ended, and imposed upon the Bishop of Winchester, who unwillingly pronounced it. *Archiepiscopus autem quia sententia, vel Recordationi Curie Regis Anglie non licet contradicere, sustinuit, Consilio Episcoporum: Adacta ad mitigandum & honorandum Regem solenni in manum ejus missione, quasi Concessionis Judicii, ut Moris est.* The Arch-Bishop, because no man might contradict a sentence, or Record made in the King of Englands Court, by advice of the Bishops, submitted to it, and by a forced compliance, for the honor and mitigation of the King, solemnly put himself under his power, as it were Granting and acknowledging the Judgement, as the Custome was.

[6] Ibidem.
The Bishop of Winchester pronounced sentence.

Afterwards on the same day he was prosecuted [6] for three hundred pounds he had received, as he was Castellan, or Constable of the Castles of Eye in Suffolk, and Berkamstead in Hertfordshire. The Arch-Bishop first waded the Action, by saying he was not cited for that matter. And further said, That he had expended that money, and much more in the Reparations of the Palace of London, and those Castles, as might be seen. The King would not admit he had done this, and Exacts Judgment: The Arch-Bishop ready to please the King, and not willing such a summe of Money should be the Cause of Anger between them; gave security by three Lay-men, distinctly and severally, the Earl of Gloucester, William de Eynesford, and another, all his Tenants.

[6] Ibid. & Col. 2.
The Arch-Bishop prosecuted for 300 l.

He gives security for it.

On the third day [7] he was prosecuted at the Kings Suit for five hundred marks lent him in the Army of Tholose; and for other five hundred, which he borrowed of a Jew upon the Kings security, he was also prosecuted for all the profits of the Arch-Bishoprick and other Bishopricks and Abbies that were voyd during his Chancellorship: of all which he was commanded to make an Account to the King. The Arch-Bishop said he could not prepare to Answer this matter, nor was he cited concerning it, yet in time and place he would do to his Lord the King according to right. The King exacts security upon that; he answered he ought to have the advice of his Suffragans and Clerics about it. The King yielded to it, and he departed. And from that day, neither Barons, nor Knights, came to his House or Hostel, to visit him, having understood the Kings mind by these proceedings.

[7] lb. & p. 24. Col. 1.
He is prosecuted for a 1000 marks more and several other moneys he received when Chancellor. He Consults the Bishops about this matter.

On the fourth day [8] all the Ecclesiastical persons came to the Arch-Bishops House, where he treated with the Bishops severally and apart, and with the Abbats severally and apart. The Bishop of Winchester advised him to offer a Composition in Money, and trie the King that way, 2000 Marks were offered but refused. Others encouraged him to maintain bravely the Liberties of the Church, but most perswaded a Compliance with the King.

[8] Ibid. & Col. 2. p. 25. Col. 1.
They advise a Compliance.

'Tis [9] said they consulted very closely on the fifth day, which was Sunday, but the Result of their Debates and Counsels not mentioned. On the sixth Day the Arch-Bishop fell Sick, and the King hearing of it, sent all his Earls, and many Barons, to Demand of him his Resolution after these Consultations and Advices, and to know of him

[9] lb. & Col. 1.

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him

The King demands security, and that he would stand to the Judgment of his Court.

him whether he would give *Security* to render an *Account* of what he received from the *vacant Churches* in the *Time* of his *Chancellorship*, and stand to the *Judgment* of his *Court* in that matter. The *Arch-Bishop* answered by the *Bishops*, That if he was not hindered by *Sickness*, while all his *Suffragans*, and the *Earls* and *Barons* were called to he ought.

[1] Ib. & p. 26. Col. 1. 2. p. 27. Col. 1. 1. He comes to Court, and sits in an outward Room, while the other Bishops Earls and Barons are admitted to the Kings presence.

[2] Ib. p. 27. Col. 2. p. 28. Col. 1. 2. The Bishops tell the King, he disliked the Judgment and had Appealed to the Pope.

[3] Ibid. The King much moved at his Appeal.

[4] Ibid. He is required to give pledges to stand to the order of the Kings Court.

[5] Ib. & p. 29. Col. 1. 2. The Arch-Bishops Answer to the Information of the Bishops.

[6] Ib. & p. 30. Col. 1.

He came [1] next day, and found the King in an inward Chamber with the *Bishops*, who staid with him a long time, and with them *Roger Arch-Bishop* of *York*, who came last, that he might not be suspected to be one of the Kings private *Counsellors*, and *Advisers*. The *Arch-Bishop* sat in an outward Room with his *Cross* in his own hand, while all his *Suffragans*, and the *Earls* and *Barons* were called to the King.

The [2] *Bishops* in this Conference told the King, that the *Arch-Bishop* when he advised with them, told them, they had used him very ill, and with the *Barons* treated him as an *Enemy*, and not judged him justly, but after an unheard of manner, because for one absence (*pro una absentia, quam superfluum dicunt*) which they call a *Delay* or *Defalt*, and was not to be judged a *Contumacy*, they ought not to have *Condemned* him in such a *pecuniary mulct* as that he should forfeit all his *moveable goods* to the King, or they should be in his *Mercy*. The *Bishops* also told him that he had appealed to the Pope against this Sentence, and by the *Authority* of the Pope forbidden them for the future to *Judge* him in any *Secular Accusation*.

The King was very much [3] moved at this Relation, and sent the *Earls* and many *Barons*, to know of him whether he was the *Author* of this *Appeal*, and *prohibition*, especially seeing he was his *Leige-man*, and bound to him by a *Common* and *special Oath* at *Clarendon*, That he would sincerely and *legally observe* his *Legal Dignity's*, amongst which this was one, That the *Bishops* should be present at all his *Trials* or *Sentences*, except, at *Sentences of Blood*. *Ut Episcopi, omnibus ejus affint iudiciis, preterquam iudicio Sanguinis.*

They [4] were also to know of him whether he would give *Pledges* to stand to the *Judgment* of the Kings Court concerning the *Account* of his *Chancellorship*.

To which [5] *Demands*, this was his Answer, That he was indeed bound to the King by *Leige-Homage*, *Fidelity*, and *Oath*, but the *Oath* was *Chiefly Sacerdotal*; That in *Respect* of God, he was in all *Due Obedience* and *Subjection*, obliged to observe *honor* and *Fidelity* toward him. Saving his *Obedience* to God, his *Ecclesiastical Dignity*, and the *Episcopal Honor* of his person. That he Declined the *Suit*, because he was not cited to yield an *Account* upon any other Cause, than that of *John*; neither was he bound to make Answer, or hear *Judgment* in any other. He confessed he had received many *Administrations* and *Dignities* from the King, in which he had faithfully served him, as well in *England*, as beyond *Sea*, and had spent his own *Revenue* in his *Service*, and for the same contracted many *Debts*. [6] As to his putting in *Pledges* or *Fidejussors* to render an *Account*, he ought not to be compelled to that, because he was not adjudged

adjudged to do it; nor had he any *Citation* in the cause of *Account*, or any other except that of *John the Marshal*. And as to the *Prohibition* he that day made to the *Bishops*, and *Appeal*, he did acknowledge, That he said to his fellow-Bishops, That for one Absence, but not *Contumacy*, they had unjustly condemned him, contrary to the *Custom* and *Example* of *Antiquity*, wherefore he *Appealed* and *forbad* them, That depending the *Appeal*, they should not *Judge* him in a *Secular accusation*, or cause of things done, before he was *Arch-Bishop*. And that he did then *Appeal*, and put his *Person* and the *Church* of *Canterbury* under the *Protection* of God, and the Lord the *Pope*.

The King [7] having received this Answer, urged the *Bishops*, by the *Homage* they had done, and the *Faith* they had Sworn to him, chat together with the *Barons*, They would *Dispute* to him a *Sentence* concerning the *Arch-Bishop*, *Ut simul cum Baronibus de Archiepiscopo sibi dissent Sententiam*. They began to excuse themselves by reason of his *Prohibition*; the King was not satisfied, and said this his simple *Prohibition* ought not to hold against what was done and Sworn at *Clarendon*. They reply, if they should not obey his *Prohibition*, he would *Censure* them, and that for the *Good* of the *King* and *Kingdom*, they should obey the *Prohibition*. At length by the Kings *persuasion* they went to the *Arch-Bishop*,

And the *Bishop* of *Chichester* [8] told him that lately at *Clarendon*, they were by the King called together, concerning the *Observation* of his *Royal Dignities*, and lest they might doubt what they were, he shewed them those very *Royal Customs* of which he spake in *Writing*, and that they promised their *assent* to, and *Observation* of them. *Hic* first, and afterwards his *Suffragans*, by his *Command*. And when the King pressed them, to *Swear* to what they promised, and set to their *Seals* for the *Confirmation* of it, They answered, it ought to suffice for a *Sacerdotal Oath*, That they said in the *Word of Truth*, in good *Faith*, without *Deceit*, and *Lawfully*, they would observe them. Why do you now forbid us to be present at that *Sentence*, which he Commands us? Upon this *Grievance*, and lest you may add any thing to our injury, we will *Appeal* to the *Pope*, and for this time give *obedience* to your *Prohibition*.

The *Arch-Bishop* Answered him he would be present at the *Prosecution* of the *Appeal* [9] and that there was nothing done at *Clarendon* by them or him, (*nisi salvo honore Ecclesiastico*) in which, their *Ecclesiastic honor* was not saved. 'Twas true he said, that they promised, in good faith, without *Deceit*, and *lawfully*, to observe those *Determinations*, and by those words, the *Dignities* of their *Churches*, which they received by the *Pontifical Law* were safe. For whatsoever was against the true faith of the *Church*, and against the *Laws* of God, could not in *bona fide*, & *legitime observari*; in good faith, and *Lawfully* be observed. Also a *Christian King* hath no *Dignity*, by the use whereof of the *Liberty* of the *Church*, which he hath Sworn to *maintain*, must *Perish*. Further those which you call *Royal Dignities*, were sent to the *Pope* to be confirmed, and brought back, rather *disallowed* than allowed by him: he hath shewn us an *Example*, and taught us that we should do so, being ready with the *Roman Church*, to Receive what that *Receives*, and to *Refuse* what that *Refuseth*. Yet further, if

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He Appeals and puts his Church and person under the Protection of the Pope.

[7] Ib. & C. 2. The Bishops fear the Arch-Bishops Prohibition.

[8] Ib. & p. 31. Col. 1. The Bishop of Chichester puts him in mind what they promised at Clarendon, and by his command. In the word of Truth, in good faith, and without Deceit Lawfully.

[9] Ibidem. Col. 2. He answers those words, Oblige not against the true faith of the Church and the Laws of God.

we failed in any thing at Clarendon, for the flesh is weak, we ought to take Courage, and by the virtue of the holy Spirit to strive against the old Enemy, who Endeavours, that he which stands may fall, and that he which hath fallen, may not Rise. If we promised any unjust things there, or confirmed them in the Word of Truth, you know, such unlawfull stipulations do not oblige.

[1] Ib. & p. 31. Col. 1.

The King Excommunicating the Bishops, exacts Judgment from the Earls and Barons against the Arch-Bishop. Certain Sheriffs and Barons of a Second Rank were added to them.

The Bishops [1] return to the King in Peace, being Excused from Judging the Arch-Bishop; they sit apart from the Barons; Nevertheless, The King Exalts Judgment of the Earls and Barons, Concerning him. *Evocantur quidam Vicecomites, & Secundæ Dignitatis Barones, antiqui Ducum, ut addantur eis, & assint Judicio.* Certain Sheriffs are called, and ancient Barons of a Second Rank or Dignity, to be added to them, and to sit in Judgment, after a little while, *Proceres ad Archiepiscopum redeunt.* The Noble men return to the Arch-Bishop, and the Earl of Leicester pressing some of them to pronounce sentence, who refused it; began to repeat the Business of Canon Law very particularly, as the Bishop of Chichester had done before. *Quasi nunc manifesta erat Regi Majestas Lesa, & promissionis in verbo veritatis ibi factæ transgressio,* as if he had been Guilty of manifest Treason, or had broken his promise in *verbo veritatis* there made, and bad the Arch-Bishop hear his Sentence.

[2] Ib. & Col. 1.

He refused to hear their Judgment. And went to the Monastery of St. Andrews.

But the Arch-Bishop [2] not willing to forbear any longer, said, What is it that ye will do? Come ye to Judge me? ye ought not. *Judicium est sententia lata post Contraversiam, Ego hodie nichil dixi ut in Causa.* Judgment is Sentence given after the Controversie or Tryal. I said nothing this day as to the Cause. I have been Cited for no Cause Except that of John, who Tried it not with me, and therefore you cannot Judge me. I am your father, ye are Noblemen of the Court, of Lay power, Secular persons, I will not hear your Judgment. The Noblemen retired, and the Arch-Bishop went his way to the Monastery of St. Andrews in Northampton, and Herbert and William Fitz-Stephen with him.

[3] Ib. p. 33. Col. 1.

The King caused Proclamation to be made none should revile or hurt him.

The King hearing [3] of his Departure, caused Proclamation to be made in the Streets, That no man should give him, or any of his Retinue ill Language, or molest them any ways. After Supper that Night, he sent three Bishops, to ask Licence and safe Conduct from the King for his Departure, who told them they should have his Answer in the morning; but he fearing some ill from that Delay, dare not stay.

[4] Ib. Col. 1. & p. 34. Col. 1.

The King and Council Consult what to do after the Arch-Bishops departure. The Arch-Bishop of York and four Bishops sent to the Pope.

This was the Seventh day of his appearing in Court, [4] and that night, he went away without Licence, only accompanied with two Servants; without either Cleric or Knight. On the Morrow, when his flight was known to the King and all the Council, they considered what was needfull to be done, and the Arch-Bishop was permitted to enjoy all the revenues of the Church of Canturbury, because both sides had appealed. The King sent presently beyond Sea to the Pope, the Arch-Bishop of York, and four Bishops, Gilbert of London, Hilary of Chichester, Bartholomew of Excester, Roger of Worcester, and two Earls, and two Barons with three of his Domestic Clerics. The rest of that day was spent about Rayling some foot to be sent against

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Ref. King of Wales, and there was a certain number promised by every Ecclesiastic, and lay person, for the Kings assistance which was written down; and so the Council was Dissolved.

The [5] King sent after him to Dover and other Ports, but he lay still in the Day time amongst his friends in several Monasteries, and travelled in the night, and it was from fifteen days after the Feast of St. Michael, untill the Second of November before he took Ship at Sandwich (say most of the Historians) and Landed at Graveling.

Quadrilogus or the Quadripartite History doth not in all things agree with this Relation of Thomas the Arch-Bishops Tryal. And the Reasons of the Discord between the King and him. The chief whereof was; [6] That several Lewd irregular Clerics were accused of divers Crimes, and one of Murder in the Diocess of Salisbury, who was taken and Delivered to the Bishop thereof, the Kings Officers, and the Kindred of the Defunct, call for Justice: The Priest denies the fact, which not being proved by his Accusers; he was put upon Canonical purgation, in which he layled. The Bishop of the Diocess, sent to the Arch-Bishop to know the Law in that Case, who commanded he should be Deprived of his Benefice, and all his Life perform strict penance in a Monastery. And thus all Debauched, Infamous Clerics, by Decree of the Arch-Bishop, confirmed by the Sanction of Canons were to be punished in his Province, and the Punishment to be greater or less according to the quantity of the Crime, the Degree and Order of the person, and the manner and Cause of perpetration.

At the [7] same time one Philip de Lydrois a Canon (of what Church tis not said) Reproached the Kings Justiciarie, for which he was not only Exasperated against him, but the whole Clergie. The Arch-Bishop punished this Cleric, by causing him to be whipped with rods, and he was suspended from his Benefice for some years. But this satisfied not the King, who was as Zealous for the Peace of his People, as the Arch-Bishop was for the Liberty of the Clergy, who grew every day more Dissolute all the Kingdom over. For which Cause, the King calls the Arch-Bishop, Bishops and Clergy to London.

And [8] having told them the Cause of their being called together, and urgently pressed, that Clerics taken for, or accused of Enormous Crimes, might be Left to his Officers, and not have the protection of the Church. He most Earnestly required, by Advice of such as had skill in both Laws, That such Clerics might presently be Degraded and Delivered to the Court, whence some very learned men by reason of the Kings favour did affirm, That they were not to be sent into Exile, or Thrust into a Monastery, by the Canon Law, but rather were to be Delivered to the Court, That is, they were to be punished by Secular Judgment.

The [9] Arch-Bishop with the Bishops of his Province, having consulted their Learned men, being much concerned for the Liberty of the Clergy, answered to these things, clearly and probably, or perhaps by proof, (*Incunctanter satis & probabiliter Respondet*) according to the Canonical Institution of ancient Fathers. And in the End of

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[5] Ibidem The Arch-Bishop lands at Graveling.

[6] Lib. 1. c. 22. The chief cause of the Difference between the King and Arch-Bishop.

His opinion and Direction how Criminal Clerics were to be punished

[7] Ibid. The King as zealous for the peace of his people, as the Arch-Bishop for the Liberty of the Clergy.

[8] Ibid. c. 23. He urgeth the Bishops that Clerics might be tried by the Secular Law for Enormous Crimes. *Cursus Traduntur.

[9] Ibid. The Arch-Bishop neither could or would bear it.

* Regum ob-
servat Clem-
entiam, & sub novo
Rege Cuiuslibet
Christi Legem,
in novam &
p. cultum Do-
mini fortiter,
contra sancto-
rum patrum
instituta no-
vam per Reg-
num suum in-
ducere coher-
entem, &c.

[1] Ibid. c. 24.
He requires
the Observa-
tion of his
Laws.

* Constituti-
ones suas Regibus
The Arch-Bi-
shop and Bi-
shops answer
they would
observe them,
saving their
Order.
The King an-
gry at their
Answer.

[2] Ibid. c. 25.
The Bishops
desert the
Arch-Bishop

[3] Ibidem.
C. 26.
The Council
at Clarendon.

The Arch-Bi-
shop and Bi-
shops promise
bona fide, and
in verbo veri-
tatis to ob-
serve the
Kings Royal
Laws.

[4] Ib. c. 27.
28.

The King re-
quires the Bi-
shops to put
their Seals to
their acknow-
ledgement.
The Arch Bi-
shop repents
and refuseth,
and indica-
vours to Es-
cape.

his Speech with much Devotion, beseeched his Royal Clemency, * That he would not under a new King Christ, and under a new Law of Christ, Introduce into a new and peculiar Lot of the Lord, contrary to the Decrees of the Antient Fathers, a new way of Coertion into his own Kingdom, and this he begged for the Kings Sake, and the Quiet and Stability of his Kingdom, often humbly inculcating, that he neither Could or would bear it.

But the [1] King not moved with his importunity, Demanded more earnestly whether he and the Bishops would observe his Royal * Laws and Customs, adding that in his Grandfathers time they were observed by the Arch-Bishops, Bishops, Chief men, and privileged persons, and That now they ought not to be set aside. The Arch-Bishop after Consultation with his Brethren, Answered they would observe them, salva ordine suo, and the Bishops being asked one by one, gave the same answer, only Hilary Bishop of Chichester changed the Phrase, say- ing, he would observe the Kings Customs or Laws, (Bona fide) in good faith; The King was Angry at the Answer, and Reservation of the Arch-Bishop and other Bishops and departed from them.

Most of the [2] Bishops Desert the Arch-Bishop, and he a long time persists in his Denial, notwithstanding all the exhortations of them, and persuasions of the Secular great men; yet at length he came to the King at Oxford, and promised to change those words, (salvo ordine suo) saving his Order, which gave him so much Trouble.

Hereupon the King [3] called the Bishops and great men to Clarendon, where he Exacted the promises of the Arch-Bishop and Bishops, and by the persuasion of the Bishop of Man and Norwich, and two of the greatest Earls of the Nation, and other great persons sent from the King, he promised, bona fide, and in verbo veritatis, in good faith, and in the word of Truth, to observe the Kings Laws, leaving out the words, salva ordine suo, and all the Bishops did the like, and then those Royal Customs were drawn up in form, and caused to be written by the great men, and Recognized by them.

In this Council [4] the King requires the Arch-Bishop and Bishops to confirm their acknowledgment of his Laws, by putting thereunto their Seals: The Arch-Bishop repents him of his promise, and refuseth to do it, and resolved to go privately unto the Pope, which he attempted, and having been twice at Sea, was both times Driven back.

This [5] attempt much heightened the Kings Displeasure against him, and he caused him peremptorily to be Cited, at a certain Day to answer such things as should be objected against him. The King also by a strict Edict * called together all the Bishops and great men of the Kingdom to meet at Northampton, where the Arch-Bishop appeared not in person, according to his Citation, though he sent his answer and excuse; for which cause, by the Judgment of all those Bishops and great men, all his movables were confiscated. This he

[5] Ibidem C. 30. Anno Domini 1164. The King Angry at his Endeavour to Escape.
* Regni Episcopi Universi & Proceres, Ex Edicto Regis Diffinitissime Convocantur.
The Bishops and great men judg. all his Moveables to be Confiscated.

said

said was a new form of Judgment, according to the new Canons, or Laws made at Clarendon, for it was never heard of before, That the Arch-Bishop of Canturbury should be tryed in the Kings Court for any Cause whatsoever, both in Respect of the Dignity of his Church and person, and that because he was spiritual father of the King, and of all in the Kingdom; but he complained more of his Brethren and Fellow-Bishops, Than he did of the Judgment, or the Lay persons Judging of him, &c. [6] veruntamen multo magis quam de Iudicio, vel de proceribus Judicantibus, de Confratribus suis & Coepiscopis Queritur, Novam formam & ordinem Judiciorum dictos invenisse; ut Archiepiscopus a suis Suffraganeis, aut Pater a filiis judicetur.

The King in the [7] Second day of this Council required five hundred pounds of the Arch-Bishop, which he said he had borrowed of him: The Arch-Bishop affirmed the King gave him the money, which notwithstanding, when he could not prove it, was adjudged against him, and the King Exacted Caution, and the Arch-Bishop making some Delay, it was told him, he must either pay the money or go to Prison. But some men seeing his friends and Suffragans forsake him, voluntarily offered themselves as Sureties for him, and five (not there named) became bound every one, in an hundred pounds.

On the [8] last day of the Council before he Entred into the Court, the Bishops came to him astonished, and affrighted at the things they had heard, whence * they did not openly for any Enormity, but as it were by way of insinuation artificially perswade him, That he should in all things, even to what belonged to the Arch-Bishoprick submit himself to the Kings pleasure, if he could so appease his wrath and Indignation. Adding, That unless he did it, he would be accused of Perjury, and Judged as a Traytor, because he had not observed his Oath of Fealty or Fidelity he had Sworn to the King, by which he was bound to maintain his Terrene honor; nor had observed the Kings Customs or Laws, to which he had specially bound himself by a new Oath. He was not much dismayed, that the world so frowned on him, but That which was to him most Detestable above all things was, That he Collected from the words of the Bishops, That they were ready to Judge him not only in Civil, but also in Criminal Causes in a Secular Court. * And therefore he forbade them all, by virtue of holy Obedience, and under peril of their Order, That they for the future should not be present in Court when his person was Judged. And that they might not do it, he appealed to their Mother the Roman Church, the Refuge of all oppressed. But notwithstanding what he said, all the Bishops hastned to the Court except two, London, and Winchester, who privately staid behind and Comforted him.

After this he went into the Kings Chamber [9] Carrying the Cross himself Erected, expecting the Kings Coming: The Bishops Disswaded this, as an undecent posture, and would not, That he should have proceeded after this manner. [1] The King took notice of it, and by Out-Crie or Proclamation made by an * Herald, called together all the Bishops and great men, to whom he made a great and grievous complaint, That the Arch-Bishop had in Reproach of himself, and the Kingdom or Government, so Entred the Court as a notable Traytor, and so insolently, as no Christian Prince, had ever seen or heard of the like behaviour

[6] Ibidem.

[7] Ibidem.
C. 31.
500 l. charged
upon the
Arch-Bishop.
Security gi-
ven for it.

[8] C. 34.
* Undenonaper
to proper En-
ormitatem, sed
sub quadam in-
sinuationis spe-
cie archiepiscopo
ei suadentibus, ut
ipse &c.
The Bishops
perswade him
to Comply-
ance.

* Communiter
vobis omnibus
in virtute Obe-
dientie Sanctae,
sub ordine ve-
stri periculo
hoc inhibeo, ne
deinceps ierisi-
tis: Iudicio quo
mea persona ju-
dicetur.

He prohibits
the Bishops to
Judge him.
[9] Ib. C. 35.
He goes into
the Kings
Chamber
with his Cross
Erected.

[1] Ib. Col.
36.

* Vocatis igitur
praeconi voce
Pontificibus &
proceribus uni-
versis.
The King
complains of
his Insolency.

The Bishops
and great men
confess him a
Traytor.

And to be pu-
nished as a
perjured per-
son and Tray-
tor.

[2] Ibidem.
C. 37.
The Bishops
obtain leave
of the King
to Consult
apart.

They promise
to endeavour
to oppose him

[3] Ibid.

They Appeal
to the Pope.

[4] Ibidem.
C. 38.

The King and
great men
judge him
perjured and
a Traytor.
The Earls and
Barons go to
him, the Earl
of Leicester
tells him what
he must do.
His oblique
answer to the
Earl of Lei-
cester.

behaviour. All were of the Kings opinion, Declaring him always a vain and proud man, and that such Ignominie not only reflected upon the King and Kingdom, but upon themselves also, and said it had Worthily happened to him, who had made such a man, the second person in the Kingdom; To whom all were subject and none his equal. Therefore they all Declared him a manifest Traytor, and to be punished accordingly, who had not according to his Oath observed Terrene honor toward his Prince, from whom he had received so many and so great advantages, but rather in this fact, had impressed upon the King and Kingdom, a perpetual mark of Treason, sed potius in hoc facto, & Regi & Regno perpetuam proditionis Maculam impressisset, (they are the Authors words) and therefore he ought to be punished as the Kings perjured man, and Traytor, and this was the voice of them all, & propterea in eum tanquam in Regis perjurum, & proditorem animadvertendum, & super hoc Clamor omnium invalescebat.

The [2] Bishops by leave from the King Consulted apart, for they were either to incur his indignation, or with the great men in a Criminal Cause, to Condemn their Arch-Bishop, which for the manifest violation of holy Sanctions or Canons, they dare not do. At length the matter was thus patcht up by Common Council or Contrivance of the Bishops; That they would Appeal the Arch-Bishop of perjury in the Court of Rome, and bound themselves to the King in the word of Truth, That they would use their utmost Endeavour to Depose him. Having thus obliged themselves to the King, they all went from him to the Arch-Bishop, and Hilary Bishop of Chichester in the name of the rest, told him, [3] That he had been their Arch-Bishop, and then they were bound to obey him. But because he had Sworn fealty to the King, and did Endeavour to destroy his Laws and Customs, especially such as belonged to his Terrene Dignity and honor, therefore they declared him Guilty of perjury, and That for the future they were not to obey a perjured Arch-Bishop. And therefore put themselves, and what was theirs under the Popes protection, and Appealed to his presence, and appointed him a day to answer these matters.

The King [4] and Chief men, (without the Bishops) sitting in Judgment, Rege cum principibus (pontificibus substractis) sedente pro Tribunali, It was most certainly believed, The Arch-Bishop would have been imprisoned, or somewhat worse have been done to him; for the King and all the great men that were present, judged him perjured and a Traytor. And the Earls and Barons and much Company went from the King to the Arch-Bishop, of whom the chiefest person Robert Earl of Leicester, told him, he was to come and answer what was objected against him, as he had promised to do the day before, or he must bear his Sentence; he rising up said, Sentence! yea Son Earl hear you* when the Church of Canturbury was given to me, I asked what manner of person that would make me, and it was answered free and exempt from the Kings Court. Et responsum est, Liberum & quietum ab omni nexu Curiali me redderet. Free therefore and absolute as I am, I will not, nor am I bound to answer to those things from which I am Exempt. And then added, My Son Earl observe, by how much the Soul is more worthy than the Body, by so much the more I am to obey God than a Terrene Prince. But neither Law nor reason, permits That Children or Sons should Condemn or Judge their Fathers, and therefore I decline the Sentence

sentence of the King, your self, and others, as being to be judged under God alone, by the Pope. Unde Regis et tuum et aliorum Judicium declino, sub Deo solo a Domino Papa judicandus. To whose presence I do before you all appeal, putting both the Dignity and Order of the Church of Canturbury, and my own, with all things belonging unto them, under Gods protection and his. Nevertheless you my Brethren and fellow-Bishops, because you obey Man rather than God, I call you to the Audience and Judgement of the Pope; And as from the Enemies of the Catholic Church, by Authority of the Apostolic See, I retire from hence. And so made his Escape, as hath been before related.

He Appeals to the Pope.

But [5] before he could reach the King of France, Gilbert Foliot Bishop of London, and William Earl of Arundel had been with him, to prohibit him from receiving the Arch-Bishop of Canturbury into his Kingdom, and to prevail with him to send to the Pope, That out of kindness to him he would not receive him into his favor. But by how much the more the King of Englands Messengers laboured that the Arch-Bishop might be expelled France, by so much the more the King of France cherished his cause, and besides sent Francis his Almoner to Pope Alexander then in France, * Requesting or Requiring him, That as he loved the Honor of the Roman Church, and the Advantage of the Kingdom of France, so in all things he should maintain Thomas Arch-Bishop of Canturbury and his cause against the Grant of England, and from that time forward the Pope received him into great favour.

5. Moved. f. 284. a. n. 10. 10. A. D. 1167.

The King sent the Bishop of London and Earl of Arundel to the King of France not to receive him, * Mandans eis sicut bonorem.

In the mean time [6] King Henry sent to the Pope, Roger Arch-Bishop of York, Henry Bishop of Winchester, Gilbert Bishop of London, Hilary of Chichester, and Bartholomew Bishop of Excester: Wilko Rufus, Richard Ibelcster, and John de Oxford Clerics; William Earl of Arundel, Hugh de Gundevile, Bernard of St. Walery, and Henry Fitz Gervais, who found the Pope at Sens, and spoke many Evil, and false things against the Arch-Bishop, but the Pope believed them not, Knowing they delivered false Testimony against him. They seeing they could not prevail, Requested him to send two Legats into England, to hear the Controversie between the King and Arch-Bishop, and to determine it, according to the Honor of God, and of Holy Church and the Kingdom.

6. Ibid. & n. 30. 40. He sends also to the Pope to no purpose.

His messengers Requested him to send two Legats to hear and determine the cause.

(*) Hoveden reports [1] that the King sent his Knights to him, and commanded he should come and give a full Account of what he had received when he was Chancellor, and particularly of 30000 pounds of Silver, To whom he answered, That the King knew well enough, that he had often given an Account of all the fe things which were demanded of him before he was Elected Arch-Bishop. And That at the time of his Election, Henry the Kings Son, all the Barons of the Exchequer, and Richard de Luci, Justiciary of England, had acquitted and discharged him to God and Holy Church from all Receipts and Accounts, and from all Secular Exaction on behalfe of the King, and That he was chosen to his Office Free and discharged, and therefore would not answer further. [2] In Electione mea Henricus filius ejus omnes Barones Scaccarii, & Richardus de Luci Justiciarius Anglie clamaverunt me quietum Deo & Sancte Ecclesie de omnibus Receiptis & Computacionibus, & ab omni exactione Seculari, ex parte Domini Regis, & sic liber & absolutus Electus fui ad hujusmodi officii administrationem, & ideo nolo amplius inde placitare.

* [1] f. 493. b. n. 20. 30. The Arch-Bishop charged with 30000 l.

He pleads his discharge. [2] Ibid.

Ecc

But

[7] Hoved.
f. 284. d. n.
20. 40.
The Pope
would neither
send Cardinal
nor Legats lest
they should
be corrupted.
[8] See Ap-
pend. n. 41.
The Pope
damns the
Kings Laws.
[9] See Ap-
pend. n. 44.
The King
puts forth a
severe Edict.
[11] Hoved.
f. 284. b. lin. 4.

But the Pope [7] would send neither Cardinal nor Legats, Knowing the King of England to be mighty in Word and Deed, and that the Legats might easily be corrupted, as men loving Gold and Silver rather than Justice and Equity; and therefore the Kings Envoyes retired from the Popes Court, and within four days, the Arch-Bishop came thither, and throwing himself at the Popes Feet, delivered him a [8] Transcript of the Laws, which the King called Ancient. Which when the Pope had heard read before the Cardinals, Clergy, and People, he for ever damned them, and anathemized all those that kept, or any way favoured them. After these things in the same year King Henry passed into Normandy, making a Grievous and [9.] execrable Edict (so Hoveden) against the Pope and Arch-Bishop; the Contents whereof were these.

If [11] any one shall be found bringing Letters, or Mandates of the Pope or Arch-Bishop, containing an Interdict of Christianity (that is, the use of the Service, Sacraments, and Holy Rites) in England, let him be taken, and let speedy Justice be executed upon him as a Traitor to the Kingdom.

Also no Cleric, Monk, or other Religious person, may be permitted to pass beyond Sea, or return into England, unless he hath a Pass-port from the Justices for his Going out, and the Kings Letters for his return, and if any one doth otherwise, let him be taken and imprisoned.

Also it was forbidden That no man bring any Command or Message from the Pope or Arch-Bishop; whoever doth, let him be taken and detained. Also generally it was forbidden that no man should Appeal to the Pope, or Arch-Bishop, nor for the future should receive any Message or Commands from them, nor hold any Plea by their Order or Command; and if any man did contrary to this prohibition, he was to be taken and detained, or imprisoned.

Also the Bishops, Abbats, Priests, Monks, Clerics, or Lay-men, that shall comply with or submit to the Sentence of an Interdict, They and their Kinred, shall forthwith be cast out of the Nation, and shall carry nothing with them: Their goods and possessions shall be taken into the Kings Hand.

Also all Clerics That have Rents and Estates in England, shall be summoned, that they Return to them within three months, and if they do not, their Goods and Possessions shall be seized to the Kings use.

Also That the Bishops of London and Norwich should be summoned before the Kings Justices, to make satisfaction, for that contrary to the Statutes of the Realm, they had interdicted the Lands of Earl * Hugh, and pronounced Sentence against him.

Also That the Peter-Pence should be gathered, and safely kept.

After this, in a Discourse in the Council which the King held at Chinon in Tourain, (as [2] Hoveden seems to have it) or in an Epistle to him, as the Quadripartite [3] History hath it, He tells the King That the Church of God consisted of two orders, Clergy and Laity. [4.] Ecclesia Dei in duobus constat ordinibus, in Clero & populo.

* Hugh Bigod
Earl of Nor-
wich. Or Hugh
Earl of Cbe-
ster.

[1.] f. 284.
b. n. 30.
[3] lib. 1.
[4] Hoved.
f. 285. a. n. 10.
The Church
consists of
two Orders,
Clergy and
Laity.

populo. Amongst the Clergy, were Apostles, and Apostolic men, Bishops and other Governors or Rectors of Churches, to whom the Care and Government of the Church was committed. In Clero sunt Apostoli, & Apostolici viri, Episcopi, &c. [5] amongst the Laity were Kings, Dukes, Earls, and other powers, who transacted Secular affairs, that they might reduce the whole to the peace and unity of the Church. In populo sunt Reges, Duces, & Comites, &c. And because it was certain that Kings receive their power from the Church, and not That from them, but from Christ, therefore he had nothing to do to command Bishops to excommunicate or absolve anyone, To force Clerics into Secular Courts or Judicatures, To judge of Tithes, of Churches, To prohibit Bishops That they handle not, or meddle with transgression or breach of Faith, or Oath (interdicere Episcopis ne trahant de Transgressionibus fidei, vel Tutamenti) and many other things which were written after this manner amongst his Customs, which he called ancient. Then after a [6] Citation of Scripture out of the Prophets, Wo to those that make unjust laws, and writing, write injustice, That do oppress the Poor in Judgment, and do wrong to the cause of the humble of the people of God, he goes on.

'Let my [7] Lord, if he pleaseth, hear the Counsel of his faithful one, the admonition of his Bishop, the chastisement of his Father. Have no Familiarity or communion for the future with * Schismatics; for 'tis known to the whole world, how devoutly and honourably you received the Pope (meaning Alexander) how you honoured and cherished the Roman Church, how much the Pope and Roman Church loved and honoured your person, and heard you in all things whatever they could, without offence to God; Et in Quibuscumque secundum Deum poterint, vos Exaudierint. Do not therefore my Lord, if you desire the Health of your Soul, any ways substract from that Church, what is its own, or oppose it any thing contrary to Justice; Yea, let it have the same Liberty in your Kingdom, which it is known to have in others: Be mindful also of the Profession you made, and laid it written upon the Altar at Westminster, when you were consecrated and anointed King by our Predecessor. That you would preserve to the Church of God, her Liberty, and That you would restore the Church of Canterbury to the same State and Dignity it was in the times of your and our Predecessors. Restore wholly to us, The Possessions that belong to that Church, The Towns, Castles, Lands, which you distributed at your pleasure, and all things taken away from us, our Clerics or Lay-men. Permit us freely and in peace to return to our See, And we are ready faithfully and with Respect to serve you as our most Dear Lord and King. In all things we can, Saving the Honor of God, and the Roman Church, and our Order. [8] Otherwise Know certainly, That you shall feel the Divine severity and vengeance, Et nos vos bis tanquam charissimo Domino, et Regi fideliter et devote servituri parati sumus, in Quibuscumque poterimus * Salvo Honoris Dei, et Ecclesie Romanæ, et Ordinis nostri; * Alioquin pro certo scias, Quod divinam severitatem, et ultionem senties.

In an [9] Epistle to his Suffragans, He Expostulates with them why they Concurred not with him in opposing the King, and reclaiming him from his perverse purposes, which seemed to him dangerous and intolerable, and gives them notice, That, first having in-

Ecc 2

hook

The Church
consists of two
Orders, Cler-
gy and Laity.
[1] Ibidem.

Kings receive
their power
from the
Church, ac-
cording to
the Arch-Bi-
shops Do-
ctrine.
The state of
the Contro-
versy be-
tween the
King and
Arch-bishop
from his own
Mouth.
[6] Ibidem
n. 20.

[7] Ibidem.
His Speech or
Epistle to the
King.
* That is,
Frederick the
Emperor, and
such as adhe-
red to Pope
Elixar, and
rejected Alex-
ander.
See here fol.
393. A.

[8] Ibidem
n. 40.

[8] Ibidem
n. 40.

* The same
words are in
Quadripartite
lib. 1.

[9] Append.
n. 46.

He expostulates with his suffragans, why they concur not with him in opposing the King, &c. He cassates and nulls the Kings Laws, and Excommunicates all the favourers of them.

[1] Ibidem. He Excommunicates by name many others, for several matters.

[2] Ibidem. He tells his suffragans he yet deferred to pronounce Sentence against the Kings person, but was ready to do it.

A severe Edict to watch the Ports, and against such as brought any thing from the Pope, &c.

[4] Append. b. 47. The King Commands the Sheriffs to imprison all such as Appealed to the Pope, &c. and to seize the Rents and Possessions of the Arch-Bishop.

opened the Gate of the Holy Spirit, he had damned and cassated the writing, in which he had published his Customs, or rather (as he calls them) *Privities*. And that he had Excommunicated all the ob-servers, exaltors, advisers, promoters, and defenders of them, and had absolved all them his suffragans by Gods, and his own Authority from the Observation of them. Also That he had Excommunicated John of Oxford, afterward Dean of Salisbury and Bishop of Norwich, for Joyning with Reginald Arch-Bishop of Colon and the Germans, for Aiaz alias Daabian against Alexander, and for usurping the Deanry of Salisbury against the Popes and his Command, and declared his Title to it null and void.

He also [1.] let them Know he had Excommunicated Richard Beceffre or Ilesfer for joyning with Arch-Bishop Reginald and the Germans, as was said before, and That he had Excommunicated Richard de Luci, and Jocelin de Bailol because they drew up and put into form the Royal Customs and Laws, or (as he says) because they were the authors and makers of those privities. Likewise That he had excommunicated Ranulph de Broc for taking and Detaining the Goods of the Church of Canturbury, and for taking and imprisoning his Men or Tenents, as Laymen. That with him he had Excommunicated Hugh de St. Clare, and Thomas Fitz-Bernard who had occupied the Goods and Possessions of the same Church without his Con-nivance or assent, and all others That afterwards should do the like.

He further, [2.] signifies to them, That as yet he had deferred to pronounce Sentence against the Kings person, expecting That being inspired by Divine Grace, he might Repent, which if he did not quickly, he was ready to do it, and commanding their Fraternity, by virtue of their Obedience, That they should Esteem as Excommunicated, the before mentioned persons, and cause them to be denounced such, injoyning the Bishop of London, to send and shew this Epistle to all his Brethren and fellow-Bishops of his Province.

After these proceedings of the Arch-Bishop [3.] King Henry sent his Precept into England, That all the Ports should be most strictly watched, lest Letters of Interdiction should be any ways brought in; and if any one brought them, he commanded his Feet should be cut off; if he was a Cleric, then to lose his Eyes and Genitals; if a Laic, to be hanged; if a Leper to be burnt. And if any Bishop, fearing such interdiction, would depart the Nation, he should carry nothing with him but his Staffe. He willed also that all Scholars should return into England, or they should be deprived of their Benefices, and such as said should never return. The Priests that would not chant, or sing Masse, he ordered to be Geld, and all such as were Rebels to him, were to lose their Fees or livelihoods.

He also sent his [4.] Writs to all the Sheriffs in England, That they should imprison all such as Appealed to Rome, until his Pleasure was Known, That they should seize all the Rents and Possessions of the Arch-Bishop, as Ralph de Brocke and his other Ministers should direct, That they should take security for the good behaviour of the Fathers, Mothers, Sisters, Brothers, Nephews and Nieces of all such Clerics as were with the Arch-Bishop, and also that their goods should be forth-coming, until his pleasure was Known.

When

When he [5] returned out of Normandy into England, in the year 1166. he Banished out of England and all his Dominions, all Men and Women that he could find which were akin to the Arch-Bishop, and spared not the Children sucking their Mothers Breasts, and he had not been two years in the Abby of Pontigny, (in the confines of Champaign and Burgundy) with Martin and his Monks to whom Pope Alexander had recommended him; [6] But King Henry sent to the Abbat, That if he sheltered any longer the Arch-Bishop of Canturbury in his Monastery, he would Banish all the Monks of his * Order out of England. The Arch-Bishop being told of this Message, of his own accord left the place, left for his sake so many Religious houses might perish. And from thence he went to the King of France, who received him very kindly, and sent him to the Abby of St. Columb near the City of Sens.

Pope Alexander writes to [7] King Henry in favor of the Cause of Thomas the Arch-Bishop, and tells him that as the Seculars were distinguished in Life and Habit from Clerics, so their Courts were quite Different; That therefore he had perverted them by an indecent order and usurped those things which belong to Christ, by making new Laws according to his own Will, to the oppression of the Church, and poor of Christ; and so Exhorts him to permit every one to have his own Right, and to leave Ecclesiastical matters, and especially such as were Criminal, about breach of Faith or Oath, (de lesione fidei aut Juramentis) The Causes also which concern the things and possessions of Churches, to be discussed by Ecclesiastic persons, because it neither was Expedient, nor became him to confound the Secular and Ecclesiastic government, Regnum & Sacerdotium confundere, non adeo Serenitatem tuam Deceret, nec etiam expediret.

He also wrote to [8] Gilbert Bishop of London to persuade the King to be kind to the Church, and Receive the Arch-Bishop into favour. The Bishop of [9] London takes to his assistance Richard Bishop of Hereford, they both urge the King according to their instructions given them by the Pope, in this and other Epistles; who they tell him received his Corruptions very thankfully, and with great temper of mind answered every thing very modestly. First, That he had no aversion to him, nor ever thought of any such thing: That while he shew him his Paternal grace and favour, The King would Love him as his Father, and honor and cherish the Roman Church as his Mother, and humbly obey his holy Commands, saving his own and the Dignity of his Kingdom. That if at anytime he had been Deficient in his Reverence toward him, it was because when he had in his necessity with his whole heart, mind, and strength espoused his Cause, yet afterwards he being in great straits, his Holiness failed him, and to every Petition gave him a Repulse. He said he will hinder no man from visiting your Holiness, nor as yet hath he done it. In Appeals according to the ancient Constitution of his Kingdom, he affirms, that no Cleric sought for a Civil Cause (ob Civilem Causam) to go out of his Kingdom, before he had by his Authority and precept tried whether he could obtain his right or not; if he cannot, any one might and shall Appeal to you. In which if he did any ways prejudice your right or honor, he would amend it, by advice of the Church of his own Kingdom. He asserts

[5] Hoved. f. 286. b. N. 10. A. D. 1166. He Banished all his Relations.

[6] Ib. N. 20. And forced him to leave the Monastery of Pontigny * They were Cistercians. From whence he goes to the Abby of St. Columb.

[7] Hoveden ut supra, n. 10. &c. The Pope writes to King Hen. in behalf of Thomas, And tells him of the difference of the Secular and Ecclesiastic power and rights, And advises him not to confound them.

[8] Append. N. 48. [9] Ibidem. N. 49. He writes also to the Bishop of London to incline the Kings affection to Thomas and the Church. The Kings answer to his proposals.

asserts he never *Expell'd* the *Arch-Bishop* out of his Kingdom, and as he went of his own accord, so he may freely return again to his Church when he please; On Condition he observe his Royal Dignities, which he *Swore* to observe, though now he calls them wicked and unjust; and if any Church or Ecclesiastical person can shew himself grieved by him, or any of his, he is ready to make Satisfaction according to the Judgment of the whole Church.

[1] Ibidem.

*Excellentia vestra supplicandum estimamus.

[2] Append. N. 10.

The Bishops of the Province of Canturbury write to the Arch-Bishop in behalf of the King, they excuse him and exhort Thomas to a compliance.

These they say were the [1] Kings Answers, and beseech his Sublimity to consider what Issue this Affair is like to have, when as the King seems much to justify himself, in that he submits in all things to the Counsel and judgment of the Church of his Kingdom. And the Arch-Bishop may Return upon the Condition before Expressed: And do supplicate his * Excellency, to act Mildly, and not to pronounce sentence of Interdict or Excommunication against him, lest he should force the King, and with him much people, and innumerable Churches from his Obedience.

The Arch-Bishops Suffragans, or the Bishops of his Province [2] wrote to him, They did hope that those things, which by his unexpected Departure, and by the newness of the thing it self, had been put into Confusion, might by his humility and prudence, with Cooperating Grace, have been reduced into their former peaceable Condition. And it was a comfort to them when by common fame they heard, that being beyond the Seas, he had no Designs or Contrivances against their Lord the King, or his Kingdom, but that he did bear with modesty that Burthen of Poverty which he had voluntarily undertaken, and had withdrawn and sequestered himself, out of Devotion to humble himself, and to obtain or improve his Spiritual Welfare, and rejoiced to hear he was so studious of Peace. But then to their great Grief, they heard he Threatened the King with an Interdict, and to cut him off from the Church; They press upon him the inconveniences of such proceedings, and the conveniences of a Quiet and peaceable temper. And urge him to consider, That the King against the Dissuasion of his Mother, and the Opinion of the Kingdom, or Secular Government, (Regno reclamante) caused him to be Elected Arch-Bishop, in hopes he might Reign happily, and enjoy great Quiet and Security by his advice and assistance. They tell him, The King being appointed by God, provided for the peace of his Subjects in all things, and preserved it to the Churches, and people committed to him, That he exacted and required the Dignities due and Exhibited to Kings before him, should be allowed and Exhibited to him. About which if there were any Controversie between the King and himself, when he was admonished by the Bishops of London and Hereford by Directions from the Pope, he answered humbly and meekly, That if any Church, or Ecclesiastical person whatsoever could shew themselves grieved or injured, he would in all things submit himself to the Judgment of the Church of his Kingdom, and That in very Deed he was then ready to perform it, and give satisfaction for the injury done. And then they Demand, by what right, what Law, what Canon, or interdict, he could urge or press the King, or how he could cut him off from the Church, and then move him to Peace and compliance, and smoothly Reprove him, for several preposterous, new, and unwarrantable Actions; as suspending and Condemning the Bishop of Salisbury, before he was accused or heard; which new Order of Judgment

Judgment (say they) to Condemn first, and hear the cause afterward, as they hoped, was then not to be found amongst the Laws or Canons. And lest he might attempt to exercise and extend it against their Lord the King, or his Kingdom, or against them, and the Churches committed to them, To the prejudice of the Pope, the Disgrace and Detriment of the holy Roman Church, and the increase of his own confusion, they opposed the Remedy of Appeal, and the second time Appealed to the Pope in Writing, and Designed * Ascension Day for the time of Appeal.

* Ann. Dom. 1167.

Such another [3] Epistle, and much to the same Effect, The Bishops of his Province wrote to the Pope in behalf of the King; In which they excuse him as before, Commend his compliance and obedience, and inform the Pope there was no need of an Interdict, Threats, or Curse to force him to satisfaction. They assign for the ground and Cause of the Controversie the Extravagancies and Excesses of certain insolent Clerges, and the manner and place of punishing their grievous Crimes and Enormities: They Blame Thomas for Threatning to Excommunicate and Interdict the Nation, and say, it was neither like the Devotion or Patience of a Father, or Arch-Bishop. They acquaint the Pope he had Excommunicated some of the Kings Servants, and chief men of the Kingdom, and his special assistants and Counsellors, by whom the great affairs of the Kingdom were much directed, without Citation, without making any Defence, and as they said, without Guilt, not being Convicted, or having Confessed any fault. And lay before him the inconveniences and ill consequences of his extravagant actions, and at length make their Appeal to the Pope, and propound the Day of Appeal as before.

[3] Append.

N. 51. They write to the same effect to the Pope.

They tell him there was no need of an Interdict, &c. They fix the Ground and cause of the Controversie, in the Extravagancy and Crimes of insolent Clerges, and the manner of punishing them.

An Abstract of the Rescript or Answer of the Arch-Bishop to his Suffragans Epistle here follows. The Rescript it self is to be found in the Appendix. N. 56.

Through the whole he Draws and insinuates a Parallel between our Saviour Christ and himself, Tells them they wrote it not by Common advice and Prudence, it containing more of Morosity than Comfort, more of Disobedience than Piety or Charity, and wonders why they should be so unkind to him, when he never did them injury. He exhorts them to lay down their lives with him to free the Church from the Yoke of servitude. Says, the injury done to him, the Church of God, and Canturbury, was the Cause of his Appeal, and that, the Cause of his Recess. He accuseth the Bishop of London, Arch-Bishop of York, and Richard de Bevesster for Dictating the Sentence against him, and particularly the Bishop of London for Receiving the Money of the Church of Canturbury, and applying it to the use of his own. He affirms he ought not to fear any punishment, or ill consequences for standing out against the King. The Bishops he Exhorts not to con-

The Arch-Bishops Answer to the Epistle of his Suffragans.

* He means the secular power, received authority from Church.

found the rights of the Church and Kingdom which were Distinct Powers, of which The * one received power and authority from the other. He says the Bishop of Salisbury admitted John of Oxford Dean of Salisbury, against the Popes and his Prohibition, which was manifest Disobedience, and therefore there was no solemnity required in the Process against him, and cites Canons to make good his Assertion. He argues against their Appeal, and asserts, That Legally and Canonically they could not Appeal. And affirms it no injury or grievance to the King, to smite him with excommunication. As to what they say, that he was made Arch-Bishop against the Opinion and good liking of the Kingdom. He appeals to the form and manner of his Election, and endeavours to make what they say improbable, from the number and Quality of the persons present, and for that the King wrote for a Pall, and the Election was made without Contradiction. He takes notice they reported him a little Fellow, and of mean Parentage, his answer was, That he Descended not from Kings; yet chose rather by the Nobility of his mind to raise a Family, than by his negligence to make one Degenerate. He tells them they talked of the Danger of the Roman Church, of the loss of Temporals, and the fear of the Kings and his peoples recess from it, of his own Danger, and of those that belonged to him; but thought not of the Loss of Souls; And after this avers the Suffragans of his Church, ought all to be of his opinion, and to suffer and dye with him. The Epistle or Rescript is very long, and what his Potency and skill was in Arguing or Defending, the knowing Reader may Examine at his Leisure.

A while after he Excommunicated the [4] Bishop of London because he abused his patience, grew more obdurate, and would neither hear the Pope nor himself, until he gave just satisfaction, and Commanded him by virtue of his Obedience, the Danger of his Salvation, Dignity and Order, that he should abstain from the Company of all faithfull people, lest he should defile the flock of the Lord, which he was to teach and inform by his Doctrine and Example. He also wrote to the [5] Dean, Arch-Deacon and Clergy of the Diocese of London, That by virtue of their Obedience, Danger of their Salvation, and Order, they should avoid his Company, and likewise the Company of other persons Excommunicated, there named, to wit, Jocelin Bishop of Salisbury, Earl Hugh, Ranulph de Broc, Thomas Fitz-Bernard, Robert of the Church of Broc, Hugh de St. Clare, Gerard Cleric of Northfleet, Nigel de* Saccavill, Richard the Brother of William Hastings, who had usurped his Church of New Coton, and informed them that on Ascension Day he would Excommunicate others which he had cited, if in the mean time they made not satisfaction, namely Gilbert Arch-Deacon of Canturbury, and Robert his * Vicar, Richard de Ivelcester, Richard de Luci, William Giffard, Adam de Cherignes; And all such as by the Kings Mandate, or their own Rashness, seized the Goods of him or his Clerics, And those by whose assistance or advice the Kings mind was set against the Liberty of the Church, and by whose instigation he proscribed and wasted the innocent, and such as hindered the Popes Commissioners and his, from pursuing the Business of the Church. And then Bids them not be troubled or fear, because by the assistance of God, and the Protection of the Apostolic See, he was safe from the Tergiversations of Malignants, and the Subterfuges of Appeals.

He

[4] Append. N. 12.
A.D. 1168.
The Arch-Bishop Excommunicates the Bishop of London, and commands the Dean and Chapter and Clergy of his Diocese to avoid it.
[5] Ibidem N. 13.
And the company of others which he had Excommunicated.
* he was sigillifer Dominici Regis.
* i. e. Official

He gave Robert [6] Bishop of Hereford notice by an Epistle, That he had publickly Excommunicated Gilbert (or as 'tis here in this place) Geoffry Arch-Deacon of Canturbury, Robert his Vicar, (or Official) Richard de Ivelcester, William Giffard, Earl Hugh, Richard de Luci, Adam de Cherignes, and also all those who had received Ecclesiastical Offices or Benefices from the hands of Laymen, contrary to the Canons, or had usurped them by their own Authority. Those likewise which hindered the Popes, and his own Agents from prosecuting the Affairs of the Church. And Commanded him by the Popes Authority, and his own, That they might be Declared excommunicate in his Diocese, and so bids him farewell, and commend him, and the Cause of God which was in his hands, to the Prayers of the Saints.

About this time, or not long after, on Twelfth Day the Kings of [7] England and France met at Mount Miral in Champaign, where they treated of, and Concluded a Peace, and the Poitevins and Britains which took Arms with the King of France, against the King of England were received into favor.

Not long after by the Perswasion of friends [8] the King and Arch-Bishop were brought together, in the presence of the King of France, and the Arch-Bishop offered, to Commit the Controversie between them to the King himself, Saving the honor of God, which last words when the King heard he was very angry and reproached him very much: Thomas answered him Calmly, and the King observing that he gained upon the Auditory, interrupted him, and told the King of France he would say whatever Displeased him, was contrary to the honor of God, by which means, and under that pretence he would Dispossesse him of all his rights. But that he might not in any wise seem to intrench upon the honor of God, [9] The King said, there had been many Kings of England before him, of greater and less authority than he was, and there had been many Arch-Bishops of Canturbury before him great and holy men, let him do what the greatest and most holy of his predecessors, did to the least of the Kings predecessors; and he would acquiesce in it. And added, That he Drove him not from the Kingdom, but that he fled privately, no man Compelling him. And that now he insinuated to the King of France, and great men, that he Defended the cause of the Church of God. For his part he always Willed and Granted, and did then Will and grant, That he should Enjoy his Church, and Govern it in the same Liberty, in which any of his Antecessors did best and most freely Govern it.

[1] On every side it was said, the King yielded sufficiently. And the King of France being moved against the Arch-bishop, asked him, whether he would be greater than Saints, or better than Peter. Thomas said he would willingly receive his Church in the same Liberty his Antecessors had it, but the Customes which were Contrary to the Institutions of the Holy Fathers he would not receive. The Mediators advised him to submit to the King, and give him his Due honor; he replied our Fathers suffered because they would not Conceal the Name of Christ. And should he for the favor of Man suppress the Honor of God?

[6] Hoved. f. 294. a. N. 20. & b. N. 10. He gives the Bishop of Hereford notice of several he had Excommunicated by name. And that he had Excommunicated all such as received Benefices from the hands of Laymen.

A. D. 1169.
[7] Chron. Gervas. Col. 1494. N. 50. 60.

[8] Ibidem. Col. 1495. N. 10. The King and Arch-Bishop are brought together.

[9] Ibidem. N. 50. 60. His fair offer to Thomas.

[7] Ibidem, Col. 1406. l. m. 3. & n. 10. 20. Approved by the King of France.

Fff

• All

[1] Ibid.
The great
men of Eng-
land and
France against
him.

[3] Ibid. N. 30
40.
The King of
France his Ar-
tifice, Jugling,
and Hypocri-
sie.

[3] Ibid. N. 30
60.

[5] Ibid. & Col.
1407. lin. 1.
The Design
of the King of
France his hy-
pocritie.

[6] lb. N. 10.

[7] Ibid. Col.
1408. N. 10.
The King of
France Medi-
ates Peace.

[8] lb. N. 10,
30. 40.
All things
were agreed.

The King of
England ex-
cuseth his not
giving the
Kiss of Peace
to the Arch-
Bishop.

All the [2] great men of both Kingdoms rose up against him, saying his Arrogance was the hinderance of Peace, and because he resisted the Will of Both Kings, he was not Worthy of the assistance of Either. And seeing he was Ejected out of England; France ought not to receive him. The King of France his Mind was averted from him for some Days, nor did he visit him as he was wont, nor did he receive from him his usual supplies. [3] But it was not long before he sent for him, and coming to the King, he found him sitting with a sad Countenance, not rising to him as he was wont; and on a sudden he threw himself with a sob at the feet of the Arch-Bishop, saying, truly thou alone seest, and doubling those words with a Sigh, verily thou alone seest, we were all blind, [4] who gave the Counsel against God, That for the favour of man, thou shouldst keep silent concerning the honor of God. I Repent father, Pardon me I beseech you, and absolve me from this fault; from this hour I offer you my self and my Kingdom. He raised the King and absolved him.

Within a few dayes it was [5] told the King of France that the King of England had broken all the Covenants he had made with the Poitevins and Britains in the Treaty at Mount-Mirall by his Mediation; whereupon he magnified Thomas for what he had told him concerning the King of England, who sent to him [6] to let him know that he much wondered he should keep the Arch-Bishop in his Country, who had so Continuously refused the Peace offered unto him. The King of France bad his Envoyes tell their Master, That seeing he stood so much upon Customs which he called ancient, he would not abate any thing of the ancient liberty of the Kings of France, which was to Relieve all Banished persons, Especially Ecclesiastics. Now was the time of the Arch-Bishops thundering out his Excommunications, and urging the Pope to interdict the Kingdom.

The Kings of [7] England and France met again, at the Mont of Martyrs, (apud Montem Martirum) and amongst other things Discoursed of restoring the Arch-Bishop. King Henry granted the Arch-Bishop should return in peace and with security and enjoy his Bishopric with the same liberty, it could be made appear any of his Predecessors enjoyed it, and promised to give 1000 marks toward the expenses of his Return. He Demanded 30000, and said, unless he restored what he had taken away, his sin could not be remitted; [8] But the King of France and the great men of both Kingdoms, persuaded him to Quit his Demands. When all things were agreed, The Arch-Bishop by the Popes Command required Caution for the Confirmation of the Peace; when every one said a Caution was not to be Exacted, and that the Kiss of Peace, (osculum pacis) sufficed, which was intimated by the King of France to the King of England; he said, he would willingly do it, because in his anger he had publicly sworn he would never Kiss the Arch-Bishop, although he should make Peace with him, and receive him into favor. And yet notwithstanding that, he would not retein any Rancor or Malice against him.

The

The King of [9] France and other Mediators suspecting Poison in the fair words of the King, reported them as they were to the Arch-Bishop, neither persuading one thing or other. The Arch-Bishop would not accept the Peace, without the Kisse, and so all parties went their several ways, without finishing of the Peace; and the King of France sent his Letters and Messengers with those of Thomas to the Pope, beseeching he would make no longer delay in the Sentence against him. [1] And the Bishop of Sens went in person to prevail with the Pope, to Interdict England, unless Peace was restored to the Church. Whereof King Henry having notice, sent into England a severe Edict or Precept [2] against bringing into it any Letters or Mandates from the Pope or Arch-Bishop, relating to an Interdict, making, all, both old and young, swear to the [3] observation of every Article.

On the [4] third of March, A. D. 1170. King Henry landed in England: The Pope hearing of his Passage thither, lost the Church might any longer suffer wrong, he renewed his Mandate [5] to the Arch-Bishop of Rouen, and Lord-Bishop of Revers, commanding them if it were needful to pass over into England, and admonish the King of Peace, which Epistle or Mandate is to be found in the 5th. Book of Quadriologus, and in the Appendix, n. 57. By it they were enjoined, by virtue of their Obedience, within Twenty days after, the receipt thereof to hasten to the King.

And if he would not make full Restitution of his Possessions to the Arch-Bishop, and others, and also Kiss him, or if he used any Art or Shuffling, then they were by St. Peters Authority and his, to pronounce the Sentence of Interdict, without contradiction of Appeal against England, and they were to prohibit the celebration of all Divine Offices, except the Baptisme of Infants, and Penance to dying People. And if the Arch-Bishops and Bishops did not observe the Edict, and cause those under their care to observe it, They were to suspend them, and upon neglect afterwards, to Excommunicate them. It bears Date the 10th of May.

About the middle of [7] June being ready for their Journey, the King received Letters from them, in which they acquaint him with the command they had from the Pope, he wrote back to them, not to expose themselves to the danger of the Sea, promising he would suddenly be with them, and consent to a Peace with the Arch-Bishop by their Advice.

Hoveden [8] says in the year of Grace 1169. King Henry fearing lest Thomas should pronounce Sentence of Excommunication against his Person, and of Interdict against his Kingdom, Appealed for himself and Kingdom to the presence of the Pope, and sent Messengers to Request him to send one or two Legats to hear the Cause between him and the Arch-Bishop, and to determin it to the Honor of God and Holy Church, and that in the mean time, such as were Excommunicated might be Absolved.

The [9] Pope wrote back to him. That he had Received his Messengers John Gumin and Ralph de Camwryth, and promiseth he

[9] Ibidem.
He would not
accept the
Peace with-
out the Kiss.

[1] Ibidem, n.
50. 60.

The King of
France and
Arch-Bishop
of Sens, excite
the Pope a-
gainst King
Henry.

[2] Append.
n. 54.

[3] Chron.
Gervas. ut su-
pra, n. 60.

[4] Ibidem,
Col. 1410.
l. 1.

A. D. 1170.
These old
Monks began
the year at
Christmas.

[5] Ibidem,
n. 10.

The Pope
sends the
Arch-Bishop
of Rouen, and
Bishop of Ne-
vers into Eng-
land, That if
the King sub-
mitted not, to
Interdict his
Nation.

[7] Ibidem,
Col. 1411.
n. 60.

By Letters
they acquaint
the King with
the Popes
Command.
He stays them
beyond Sea,
and promiseth
to come over
so them and
make peace.

[8] f. 293. a.
n. 10. 20.

King Henry
feared an In-
terdict, and
Appeals to
the Pope for
himself and
Kingdom.

[9] Append.
n. 55.

The Popes
Answer to
him.

In which he makes him kind promises, That were to be kept secret.

[1] Hoved. f. 195. b. lin. 5. The Legats came.

[2] Col. 1407. n. 40. 50.

[3] Ibidem Col. 1412. n. 10. 20. Hoved. f. 196. b. n. 10. 10.

Ben. Abb. p. 10. a. 17.

King Henry's design to Crown his Son.

[1] Append. n. 58.

The Pope prohibits the Arch-Bishop of York, and all other Bishops to do it.

[4] Gervas. Hoved. Ben. Abb. ut supra.

[5] Hoved. f. 196. n. 30.

The King of France dissatisfied, that his Daughter was not Crowned with her Husband.

[7] Ibidem. n. 40.

Thomas complains to the Pope of the A. B. of York, and other Bishops, for Crowning the King's Son.

He suspends the A. B. of York, and Bishop of Durham, and Excommunicates the others.

[8] Append. n. 59.

He accuseth the King for Deposition and Diminution of the Church.

he would send Legats with full Power to hear and determine the Cause, and declared, That if in the mean time the Arch-Bishop should denounce any Sentence against him, or his Kingdom, or any persons thereof, it should be void, and then desired him to make these Letters a great secret, and not to show or let any one know of them, but in great necessity, and promises that his Legats should absolve his Servants, Courtiers, and Counsellors.

The [1] Legats came accordingly, and though Hoveden mentions them not, yet certainly they were Gratianus nephew of Pope Eugenius, and Urbanus an Advocate in the Roman Court, mentioned in [2] Gervase of Canterbury, to whom the King granted the Arch-Bishop should return, and enjoy his Arch-Bishoprick, saving the Honor of his Kingdom, (Salvo Honore Regni sui) and by whose industry, and the Application of the King of France, the Agreement was finished, and brought on, so far as the Bills of Peace, as before related.

King Henry [3] had a design to Crown his Son Henry King, which was kept private, yet the Pope either suspected or smelt it out, for on the 2d. of April he wrote to the Arch-Bishop of York, and all the Bishops of England [4] That if any such Coronation was, they should not perform the Ceremony, without the Consent and Privy of the Church, or Arch-Bishop of Canturbury, whose right it was to Consecrate Kings. [5] The day appointed for this Solemnity was the 14th of June, and he was anointed and Crowned by Roger Arch-Bishop of York, Hugh Bishop of Durham, Walter of Rochester, Gilbert of London, and Jocelin of Salisbury assisting him, no mention having been made of Thomas, to whom the Coronation and Consecration belonged in right of his Church. Gervase of Canturbury said it was done in contempt of the Popes prohibition.

The King [6] of France hearing his Daughter Margaret was not Crowned with the young King her Husband, levied a great Army and invaded Normandy. The King of England having notice of it, left his Son in England, and passed thither, and in a Treaty at Vendosme, made peace with the King in the Feast of * St. Mary Magdalen, promising his Son should be Crowned again, and his Wife with him. Gervase of Canturbury says, this Treaty, and the Day was appointed before the Coronation of his Son.

In [7] the mean time Thomas complained to the Pope of the Arch-Bishop of York, and the four Bishops that assisted at the Coronation of the new King in the Province of Canturbury, at whose Instance he Excommunicated the Bishops of London, Rochester, and Salisbury, and suspended the Arch-Bishop of York, and Bishop of Durham from their Episcopal Offices; and wrote to the last two [8] an Epistle, wherein he accuseth the King for Deposition and Diminution of the Churches Liberties, That under pretence of preserving his Royal Dignities, he destroyed them, contrary to the Canons, and tells the Bishops how much he had been solicited to confirm his Prevarications, and Usurpations, meaning, The Statutes of Clarendon, That he had sent some Cardinals and others to soften him, but he grew more obdurate, and would not abate the least of the Rigor of his perverse

Laws.

Laws. That he seized the rights of the Church of Canturbury, contrary to its Ancient Dignity. That his Son Henry had been Crowned by him the Arch-Bishop of York, without any Caution or Reservation of the Rights of the Church of Canturbury, in performing of that Solemnity, and at last, least he should be involved with them at the day of Judgment, in the Sentence of Damnation, he suspends both the Arch-Bishop of York, and Bishop of Durham from the Exercise of their Episcopal Functions.

Notwithstanding the late peace made at Vendosme, [9] Lewis of France, his Arch-Bishops, Bishops, and great Men of the Kingdom, solicited the Pope that he would not permit the King of England to make any further Delays, as he loved the Kingdom of France, and the Honor of the Apostolic See: Upon which, the Pope granted, that unless he presently made peace with the Arch-Bishop, his Kingdom should be Anathematized, and put under Interdict: And (says the Historian) it pleased God to change the Kings mind, so that by the mediation, and paternal Exhortation of the Pope, and of the King of France, by the advice of many Bishops, and supplicating intervention of great Men the King received him into favour, and restored him unto his Church. [2] Benedictus Abbas, says, the peremptory day was at hand, so as the Sentence could be deferred no longer, and That the King of England being forced by Canonic severity, at length hearkened to Peace, and came to Amboise near Tours, on the fourth of the Ides, or twelfth of October: with the Arch-Bishops, Bishops, and great Men of his Land; where he met William Arch-Bishop of Sens, and Theobald Earl of Blois who brought with them Arch-Bishop Thomas, and the next day, it pleased Divine Providence, by the mediation of the King of France, and by the Command and admonition of Pope Alexander, and also by the advice of the Arch-Bishops, and Bishops of his Land, the King received him into his Grace and Favour, and pardoned to him, and all that were with him in Exile, his anger and ill-will, (Iram & malevolentiam suam) promising to restore wholly to him all the possessions of the Church of Canturbury, as he held them a year before he went out of England. All agree about the matter of this Treaty, but differ about the Time and Place. [3] Hoveden agrees with Abbas Bennet, and says it was on the 4th of the Ides, or 12th of October, on a Hill between Tours and Amboise. [4] Quadringus [5] Fitz Stephen and [6] Gervase of Canturbury, say it was on St. Mary Magdalens day or 22 of July at Freteb II between Chartin and Bain, in a Meadow called the Meadow of Traitors.

The King and Arch-Bishop being thus Reconciled he [7] wrote into England to his Son Henry, to let him know the Arch-Bishop had made peace with him according to his own Will: and therefore Commanded him, to let him and all with him have and enjoy all things, as they did three months before he left England.

After his Peace made with the King, he told him [8] That amongst all the Evils he sustained under his Anger and indignation, as Banishment, spoiling, and Oppression of the Church of Canturbury, &c. there was one thing which he neither ought nor could leave unpunished, And That was the Arch-Bishop of York his Crowning of his Son in the Province of Canturbury, which he caused him to do, and so spoiled his Church

And to avoid Damnation suspends the Arch-Bishop of York and Bishop of Durham.

[9] Hoved. f. 197. b. n. 10.

The King of France his Arch-Bishops Bishops, and great Men solicited the Pope against King Henry.

He complies with them.

[1] Ibidem n. 20.

[2] p. 31. a.

Peace between the Arch-Bishop and King.

[3] f. 197. b. n. 30.

[4] lib. 3. c. 1. f. p. 46. Col. 1. 6. Col. 1412. n. 30.

[7] Append. n. 60.

The King writes to his Son to give him notice of the agreement

[8] Fitz-Steph. p. 47. Col. 1.

Thomas complains of the Arch-Bishop of York, concerning the Coronation of the young King, and prescribes the old King about it.

The King leaves it to him to take satisfaction of the Arch-Bishop of York, &c.

[9] Ibidem. p. 48. Col. 2.

[1] Ibid. p. 51. Col. 2.

[1] Chron. Garvas. Col. 1413. N. 40.

The Pope writes to Thomas to make

hast to his Church, and sends him his

Letters

of suspension and Excommunication of the Bishops,

which he pronounced against them.

[3] Ibidem. N. 60.

[4] Ibid. Col. 1414. N. 10, 20, 30, 40.

The suspended and Excommunicated Bishops,

apply themselves to the King, and complain of the

Difficultiesthey were in by reason of the Peace.

He in a passion upbraids the Sloathfulness of his

Servants, that none would vindicate the

Injuries and affronts done to him.

A. D. 1171.

Four of his Knights Murder the Arch-Bishop.

[7] lb. N. 50.

[6] p. 58. Col. 1.

The Arch-Bishop of York exasperates the King against Thomas.

Church of this Dignity, where he by the *Uction* of the mercy of God, was anointed King, and which amongst all her Dignities, she had peculiar, proper, and special, to her self, ever since the time of St. Augustin. And after a little further Discourse, the King left it to him, to take satisfaction of the Arch-Bishop of York, and other Bishops, for the [9] injuries done to the Church of Canturbury, and himself.

The Pope thought the Arch-Bishop made not *Hast* Enough, and therefore [1] sent a Messenger with Letters of Exhortation to him to go to his Church, and with them he received Letters of severe Justice concerning the presumptuous Coronation of the new King, by which the [2] Arch-Bishop of York and Bishop of Durham were suspended, and the Bishop of London, Salisbury and other Bishops of England were Excommunicated. He set sail from Witsand, and Landed at Sandwich in Kent on the first of December. He pronounced the Sentence of Suspension and Excommunication against the Bishops, at which the people that came to meet him [3] were much Troubled, and asked him why at his first coming into England, he would in Reproach of the King, suspend and Excommunicate the Bishops, and threaten him with the Kings displeasure; he answered the King ought not to be offended, for it was done by his permission. The Bishops [4] sent to him very earnestly desiring Absolution. He said they were bound by a Superior Judge, and it was not in his power to release a Sentence given by so great a Judge; yet he would Confide in the Clemency of the Pope, and absolve them, if they would give Caution to stand to the Judgment of the Church concerning those things for which they had been Excommunicated. The suspended and Excommunicated Bishops went to the King into Normandy, and threw themselves at his feet, and told him he had made an ill Peace for them, saying, that they, and all such as were present at the Coronation of his Son were Excommunicated: At which words the King was mightily moved, and in great Passion, he cried out aloud, he was a miserable man, That sed so many Noble Sluggards, none of which would vindicate him from the Injuries done unto him. With which Words four of the Kings Noble Domestic Knights, being highly Provoked, Combined together to Kill him, and when he would not absolve the suspended and Excommunicated Bishops, nor submit in some other things to the Kings Will, as they Demanded of him, on the thirtieth of December, They went into the Church, and at Vespers with their Swords Clove his head and murdered him in the Cathedral at Canturbury, when he neither would save himself by flight, or have the doors shut against them. [5] Their names were, Reginald fitz Urse, William de Craci, Richard Bri-to, and Hugh de Norvill.

Fitz-Stephan says, The Arch-Bishop of York [6] told the King, That so long as Thomas was alive, he neither would have good Days, nor a peaceable Kingdom, nor Quiet times, at which words the King conceived such indignation against him, and shew it so much by his Countenance and gesture, That four of his Domestic Barons (the persons before named) understanding what was the Cause of his Trouble, and seeking to please him, conspired the Death of the Arch-Bishop, &c.

All

All men avoyded [7] the Company and Conversation of these Murderers; at length they got to Rome, and obtained penance of the Pope, who sent them to Jerusalem, where according to his injunction, doing Penance in the Black Hill or Mountain, they Dyed.

Concerning [8] the Death of the Arch-Bishop, The King of France wrote to the Pope to unsheath the Sword of St. Peter to Revenge it, and to think of some new kind of Justice, and informed him, That as it had been related to him, The Divine Glory had been revealed in Miracles done at his Tomb, by which it appeared for whose name he contended.

William Arch-Bishop of Sens [9] wrote also to Pope Alexander concerning the same, and lays the Cause of his Death upon the King and urges him for the safety of the Church, and the honor of God to confirm and Renew the Sentence of interdict against his Dominions.

Likewise Theobald [1] Earl of Blois wrote to him, That he was present at the Agreement between them, and that the Arch-Bishop complained to the King, that he had too hastily, and with too hot a Zeal caused his Son to be Crowned, for which he promised to do him right, and give him satisfaction. That he then also complained of the Bishops, who contrary to the Right and Honour of the Church of Canturbury, had presumed to Thrust a new King into the Royal Throne, not for the Love of Justice, or to please God, but to please a Tyrant, and that the King gave him leave to sentence them according to the Pope and his own pleasure. This he said he was ready to prove by his Oath, or any other way, and told him the Blood of the just called to him for vengeance.

In the mean while Rotrod [2] Arch-Bishop of Roven, Gilles Bishop of Eurenx, Roger Bishop of Worcester, Richard Barre, and many other Clerics and Servants of the King went to the Pope, on the behalf of him and his Kingdom. The Arch-Bishop of Roven was very old and infirm, and therefore returned, the others went on, and with great Difficulty obtained of the Pope, That two Cardinals Theodin and Albert should on his behalf come into Normandy to hear the Cause between the King and the Church of Canturbury concerning the Death of the Arch-Bishop, and Concerning other Ecclesiastic Dignities, and to Judge according as God should Direct.

Four only of this Embassy [3] got through to Rome, Robert Abbat of Calace near Littlebone in Normandy and Arch-Deacon of Salisbury, Robert Arch-Deacon of Lisseux, Robert Barre, and Master Henry. Richard de Barre went before them; and with much Trouble and Danger arrived at Rome, where he acted prudently and Diligently in his Masters Cause, though the Pope would not receive him, or others of note see him. They were all stopped at Siena (now in Tuscany) and by Earl Marcharius his Command all the passages from thence were Guarded in the night; these four got away, and left the Bishops there, and going over steep hills and places almost unpassable they in great fear and Danger arrived at Tusculum (now Frascati)

[7] Hoved. f. 299. a. n. 30. The Four Murderers obtained Penance from the Pope. They dye at Jerusalem.

[8] Hoved. f. 299. a. n. 40. The King of France writes to the Pope to Revenge Thomss his Death.

[9] Ibidem. b. n. 10. The Arch-Bishop of Sens writes to the same purpose.

[1] Ibidem f. 300. a. n. 10. 20, 30.

Theobald Earl of Blois wrote to the same purpose: And avers he heard the King give Thomas leave to sentence the Bishops as the Pope and he pleased.

[2] Ib. f. 301. a. n. 10.

A. D. 1171. Several Bishops and others sent to the Pope from the King.

He promiseth to send two Cardinals into Normandy, to hear and determine matters concerning the Death of Thomss.

[3] Ibidem N. 10. 30. 40. 50. & b. N. 10. 20.

The Kings Envoy with great Difficulty got to Rome. They stopped at Siena.

The Pope would not see the Kings Messengers. The Court of Rome would not indure to hear the King named. They obtain private Audience of the Pope, and then Public, before the Cardinals.

Without Success.

* I have read this Business cost the King 40000 Marks in Silver, and 5000 marks in Gold at the Court of Rome. But at length by close Application to some of the Cardinals prevailed. [5] Ibidem. n. 20, 30. Two Cardinals at the same time sent into Normandy to threaten the Interdict. A.D. 1171.

[6] Ibid. f. 302. a. n. 30, 40, 50. The Arch-Bishop of Bourges, and Bishop of Nevers had power to absolve the Bishops of London and Salisbury.

casti) on Palm-Sunday Eve, where the Pope would not see them, nor most of the Cardinals scarce vouchsafe them a word. With great importunity by the means of such as they thought had any Kindness for the King, at length they obtained, That the Abbat of Calace, and Robert Arch-Diagon of Lisieux might be heard, as being less suspected; but when they mentioned the Kings name, The whole Court Cried out, hold, hold, as if it had been an abominable Thing for the Pope to hear it, and so they went from Court; in the Evening they had a private audience of the Pope, when they Declared the Message they had from the King, and afterwards in Public before the Pope and Cardinals, where they were opposed, by Alexander, and Gunther a Flemming, two Clerics of the Church of Canturbury. On Tuesday following (Feria quinta ante Pascha) according to the Custom of the Roman Church, the Pope publicly absolved and Excommunicated, and being certain there were designs against him and his Kingdom, they Consulted such as were most addicted to the King. The Bishop of the Roman Port, (a City long since demolished) the Bishop of Pavia, the Bishop of Tusculum (all Cardinals) and others, Earnestly soliciting them to know the Popes Resolutions, by whom they were informed, That the Pope by the Common Advice of his Brethren the Cardinals intended by name to pronounce the Sentence of Interdict against him, and all his Dominions, and to confirm the Sentence given against the Bishops. Being in this streight, they pleyed the Cardinals, by themselves, and their Servants, indeavouring to Remove them from this Sentence, or at least to perswade them to deferre it untill the Bishops (that were left behind at Siena) should come to Court. In which when they could not prevail, by Importunity, At length they found a good and secure way (not mentioned in this Epistle) for the safety and Honor of the King, profitable to the Nation, and necessary for the Bishops, by means of some Cardinals. By which they averted the impending danger upon him, his Nations, and the Bishops, very far engaging themselves, believing the whole Business would proceed according to his mind, or according to what they knew, ought to be his mind. Certainly Knowing his Ruin was designed by the Court, and mightily fearing the Use and Custome of that Day.

At the same [5] time there came two Cardinals, Gratianus and Gibianus, Legats sent by the Pope into Normandy, who mightily troubled and vexed the King, threatening to put him and his Nations under Interdict, which was prevented by this Application to the Pope; yet the King fearing that severity, hasted to the Sea, and took Ship for England, where he Commanded that no Brief-bringer or Messenger from the Pope of what Condition or Order soever should be suffered to pass out of England into Normandy, or out of Normandy into England, without giving Security, That he would do no Injury to the King or Kingdom, and with as much Expedition as could be with a great Fleet passed into Ireland from Milford Haven on the 16th of October.

The King being thus farre toward his Reconciliation [6] the Bishops of London and Salisbury, sent to Rome, and easily obtained Letters of Absolution directed to the Arch-Bishop of Bourges, and Bishop of Nevers, or to whom they should substitute, if they either could not, or would not absolve them their selves.

Ralph

Ralph de Diceto says * the Bishop of London was called before the Arch-Bishop of Roven and the Bishop of Amiens at Albemarle on the first of May, and then and there, did Swear, with many religious persons his Compurgators, That neither in fact, word, or writing, he did knowingly procure the death of Thomas the Martyr, and so was restored.

And Mat. of Westminster * says, That Roger Arch-Bishop of York, in the feast of St. Nicholas, or sixth of December, the year before at Albemarle, did swear, that he received not the Popes Letters of Prohibition, before the Coronation of the new King, and that he never bound himself to the Observations of the Customs of the Kingdom, or Secular Government, (de consuetudinibus Regni observandis) nor that he did in Word, Writing, or Deed, knowingly procure the Death of Thomas Arch-Bishop of Canturbury. And so was mercifully restored to the Exercise of his Office: When he had committed no fault, if his Oath was true.

At Christmasts [7] the King was at Dublin in Ireland, and there remained until the beginning of Lent, and then removed to Wexford, where he staid until Easter. Then Knowing, That the Cardinals Theobald and Albert were sent into Normandy from the Pope, He settled the affairs in Ireland as well as he could, and passed to Wiltford Haven, from thence to St. Davids, from thence to Portsmouth, from whence carrying along with him his Son Henry, he passed into Normandy, and found the Cardinals at Caen, and by their advice made an agreement with the King of France, about the Crowning of his Daughter, and also by their Consent and advice sent back his Son into England, and with him Rotrou Arch-Bishop of Roven, Giles Bishop of Euxeur, and Roger Bishop of Worcester to Crown him and Margaret his Wife the Daughter of King Lewis, and They Crowned them at Winchester in the Church of St. Swithen on the 27th of August: And presently after the Coronation, The King, the Son, and the Queen his Wife, The Arch-Bishop of Roven, and the Bishops of Euxeur, and Worcester, Returned into Normandy.

About a month after [8] on the 27th of September, Henry King of England the father, and King Henry his Son, and Rotrou Arch-Bishop of Roven, and all the Bishops and Abbats of Normandy, met at Abbinces (now Auranche) in the presence of Theobald and Albert the Cardinals; In whose Audience, The King of England the Father, in the Church of St. Andrew the Apostle, purged himself, and asserted his innocence by Oath upon the Reliques of Saints, and the holy Gospels, That he neither Commanded nor desired the Arch-Bishop should be slain, and when he heard it, he cried vehemently. But because those Malefactors that Killed him, could not be had, and because he feared, they might have perpetrated that Prophane Deed; by Reason of the Commotion and Trouble they Observed in his mind, he made the following Oath of Satisfaction.

* Col. 560. n. 10. A.D. 1172. The Bishop of London how restored.

* A. D. 1171. f. 250. n. 30. The Arch-Bishop of York upon what Terms, restored to the exercise of his function.

[7] Ibidem b. n. 20, 30. A. D. 1172. King Henry goes into Ireland, and goes from thence through England into Normandy to meet the Cardinals. His Son and his Wife Margaret Crowned at Winchester. A. D. 1172. They return into Normandy.

[8] Append. N. 61. King Henry's Purgation for the Death of Thomas.

G g g

First

H's Oath of
Satisfaction
and Penance.

First he Swore, That he would not *Depart* from *Pope Alexander*, nor his *Catholic Successors*, so long as they *Acknowledged* him a *Catholic King*.

He Swore also, That he would not *Hinder* nor *Suffer* to be *hindered* Appeals: but that they might *freely* be made in his Kingdom, to the *Pope* in *Ecclesiastical Causes*, But so as if *any persons* were *suspected* by him, They should *give security*, they would do *no injury* to him, nor his *Kingdom*.

He Swore That from *Christmas* following, he would *undertake* the *Crusado*, and go to *Jerusalem* for *three years*; and That if he were *Diverted* by going into *Spain* against the *Saracens*, he would *Give* the *Templars* so much money, as by their *own judgment*, should be *sufficient* for the *Maintaining* 200 Souldiers one year for the *Defence* of the *Land of Jerusalem*.

He *Pardoned* all *Cleres* and *Laires* which were in *Exile* with *Thomas*, and *Granted* they might *freely* and in *Peace* return to their *own* again.

He Swore also, That he would *Restore* the *possessions* of the *Church* of *Canterbury*, if any had been taken away, as *fully* as it *enjoyed* them, a year before the *Arch-Bishop* went out of *England*.

He Swore also, That the *Customs*, which were *brought* in *Contrary* to the *Churches* of his *Land* in his time, should be *wholly* laid *aside* and *dismissed*.

All these things he Swore to *Observe* in good *Faith* and without *Deceit*, and *Caused* his *Son Henry* to do the like, except in such things as referred to his *own person*. And That they might remain in the *memory* of the *Roman Church*, The *King* the *Father* caused his *Seal* to be *put* to the *Writing* which contained these *Articles* or *Heads*, together with the *Seals* of the *Cardinals*. Who upon this *Purgation*, *Submission* and *Satisfaction*, *Granted* him a [9] *Chart* of *Absolution*.

[9] Append.
N. 62.

[1] Hoved.
f. 303, b. n. 90.
A great Council
in *Normandy*, with the
Decrees.

On the *Morrow* after the *Cardinals* held a great [1] *Council* with the *Arch-Bishop* and *Bishops*, and *Clergy* of *Normandy*, and then and there the following *Decrees* were made and *injoyed* to be *observed* inviolably by all men,

[2] Append.
n. 63.
A. D. 1172.

I. That *Children* [2] should not be *admitted* to the *Government* and *administration* of *Churches* with *Cure* of *Souls*.

II. The *Sons* of *Priests* should not be *placed* in the *Churches* of their *Fathers*.

III.

III. *Laires* should not receive part of the *oblations* of the *Church*.

IV. *Churches* should not be *Committed*, to *annual Vicars*.

V. That the *Priests* of great *Churches*, which had *sufficient Revenues*, should be *Compelled* to have *another Priest* under him.

VI. That *Priests* should not be *Ordained* without a *certain Title*.

VII. *Churches* should not be let to *annual farm*.

VIII. That *nothing* of the *third part* of the *Tithes*, should be taken from the *Priest* that *officiated*.

IX. *Those* which held *Titles* by *hereditary right*, might have leave, to give them to what *qualified Cleric* he would, upon *Condition*, that *after* him, They should *revert* to the *Church*, to which they belonged.

* i.e. after the
first presenta-
tion.

X. The *Husband* ought not to turn *Monk*, or *Religious*, his wife *staying* in the *World*, or *remaining Secular*. Nor on the *Contrary*, unless they were *both* past the *works* of the *Flesh*.

XI. In the *Advent* of the *Lord*, *fasting* and *abstinence* from *flesh* was *Commanded* to all that could bear it, Especially to *Clerics*, and *Knights* or *Military Men*.

XII. *Jews* or *Jewish Clerics* should not *Exercise secular Authorities*, i.e. *Covetous* and *Usurers*.

XIII. Item de * *novis libris Excommunicationis*, &c. And the *Goods* of *Dying people* which the *Priests* carried away, and the *Blessings* in *Marriage* and *Baptism*, and of the *Forty and Eight pounds* which were *Exacted* for the *absolution* of *Excommunicated persons*, *nothing* was *permitted*, because the *Bishops* of *Normandy* would not receive that *Deceit*.

* There were
French, not
English
pounds.

A. Lords of *Manors* that *built Churches* upon their *fees*, put in *Priests* to *serve* the *Cure*, and received such *profits* of the *Church*, as they and the *Priest* agreed upon, and the *Priest* only *staid* in the *Cure* as long as they *pleased*.

B. This fourth Canon was to the same purpose, for they let them out *annually* to such as would *serve* the *Cure*, and give *moor* for them.

C. That is, such as *built* the *Churches*, and were *Patrons*, had *liberty* to present the *first Cleric*, but not afterwards; that was against the *Liberty* of the *Church*, and *Canons* for *investitures*.

Ggg 2

King

[3] Moved, f. 307. a. n. 40. King Henry gives the Arch-Bishopric to Richard Prior of Dover, &c.
[4] Gervais Abt. Pontific. Cantuari. Col. 1674. n. 10.

The young King Appeals to Rome, and prohibits his Consecration. He obtains it from the Pope, and his Pall, and is made Legat.

[1] Moved, f. 307. b. n. 30. Rd. de Dioc. Col. 561. n. 60. 163. n. 10. &c.

The King humbles himself before the Sepulchre of Thomas.

[1] Ibid. f. 308. a. n. 30. 40, 50.

A.D. 1174.

The manner of the approach to the Tomb of St. Thomas and his humiliation before it. * That is, he was whipped by the Bishops Priests, and Monks, and had three or five lashes from every one.

* Carnem suam nudam disciplina virgum supponens, & singulis viris religiosi, quorum multitudo magna convenerat, illustratos, vel quibus accepti. Mat. Paris f. 130. l. 6.

[3] Ibid. f. 308. 2. n. 50.

[4] Ibid. b. n. 30. 40. here f. 319. B.C.D. E. F. The Successes of the King ascribed to the merits and intercession of Thomas.

King Henry the Father [3] against the Prohibition of King Henry his Son, and after an Appeal made to the Pope, gave to Richard the Prior of Dover, the Arch-Bishopric of Canturbury. To Reginald the son of Jocelin Bishop of Salisbury the Bishopric of Bath. To Richard of Exeter Arch-Deacon of Poitiers the Bishopric of Winchester. To Robert Foliot the Bishopric of Hereford, and To John Genseford the Bishopric of Exeter.

After this [4] Richard had been Solemnly Elected at London, he went to Canturbury where all things were ready for his Consecration. But Letters being brought from the Young King, prohibiting, by Reason of his Appeal to the Pope, That no man should Consecrate him or any other, without his Consent who Bore the Crown of the Kingdom. The Bishops that were there ready to perform the Ceremony, trembling deprived one from another, and the Arch-Bishop Elest went to Rome; and there after divers disputes with his Adversaries, was Consecrated by the Pope, and received his Pall and the Primacy of all England, and was also Constituted his Legat. Upon his Return to England he Consecrated the other Elest.

The King [1] being in great freights by reason of the Rebellion of his Sons, the Confederacies of the King of France, and the King of Scots against him, and the Desertion of his own Nobility and Subjects, came into England, and humbled himself before the Sepulchre of the Arch-Bishop.

He [2] Landed at Southampton on the 8th of July, and the next day went towards Blessed Thomas of Canturbury the Martyr, (the words of the Historian) and when he came so near as he could see the Church where the Body of the Blessed Martyr was Buried (in qua Corpus beati Martyris sepultum fuit) he left his Horse, and pulled off his Shoes, he went Bare-foot three Miles to the Sepulchre, in such Humility and Compunction of heart, That it was believed undoubtedly, to have been his Work, That beholds the Earth and makes it Tremble, (qui respicit terram, & facit eam tremere.) When he came to the Tomb, it was Pious to behold in what affliction he appeared with Weeping and Sobbing, and the * Disciplin he received from the hands of the Bishops, many Priests, and the Monks (cum autem ad tumbam veniret, pinnas erat intueri, afflictiones quas faciebat, cum stetu singultuoso, & * Disciplinas, quas de manu Episcoporum, Sacerdotumque plurimorum & Monachorum recepit.) And staid all night before the Sepulchre of the Blessed Martyr, in Prayer, Fasting and Weeping, being assisted by the Suffrages of many holy men. The Gifts and Revenues he bestowed upon that Church for the Remission of his Sins (saith the Historian) can never be forgotten. Next Morning early July 13th he heard Mass, and went towards London. And because he was mindful of God with his whole heart, (Et quia memot fuit Domini in toto Corde suo) He gave him Victory over his Enemies, and delivered them Captive into his hands: [3] For that very day he left Canturbury, William King of Scots was taken at Alnwick. And his Successors followed so fast one after another, that [4] within three weeks England was in Peace, and all the Strong-holds were delivered up to the King. All which were ascribed to his Devotion and Humiliation, but principally

cipally to the [5] merits and intercession of this New Saint thereupon.

For before this time he had been [6] Sainted or Canonized by the Pope, who for the Glory of his Merits, and the Miracles he had done, which were attested by the two Cardinals, and many others, having had a deliberate treaty with his Brethren, (the Cardinals about it) solemnly Canonized him, and Decreed him to be numbrd amongst the Holy Martyrs, Commanding all the Faithful of England, by his Apostolic Authority, They should Celebrate the day of his Glorious Passion, every year with due Veneration, That they should by Solemn Procession place his Body upon an Altar, or Elevate it on high in a decent Shrine; and by fervent Prayers to him impetrate to merit Pardon for their sins. That he which in life suffered punishment, and in his Death Martyrdom for Christ, being solicited by the Continual supplications of the faithful, might intercede with God for them.

Amongst the several hundreds of Miracles he did, and wonders he wrought, take three or four of them from the [7] Epistle of William Arch-Bishop of Sens in France, which he wrote to the Pope against King Henry, Concerning the Death of Thomas. That after his Death he was seen by, and appeared to many, especially to one Noel an old Monk. That a Blind man annoyed his Eyes with his Blood and recovered his sight, That the wax Tapers which stood about his Dead Body having been Extinguished, were by him lighted again. That after all funeral Ceremonies had been performed about his Carcase, (circa Corpus humanitatis) as it lay upon the Bier or Bearer, in the Chore, in the Morning he lift up his right hand and gave the Blessing. * Paris says he restored the Dead to Life, and not only men and women but also Birds and Animals. Resuscitavit vita mortuis (speaking of his Miracles) & non solum utriusque sexus homines, verum etiam Aves, & Antima. Ha de Morte reparantur ad vitam.

He was at first but indifferently [8] Buried, and laid in an Ordinary Tomb, about the Lady-Chapel in a Vault called Undercroft; But fifty years after, (A.D. 1220.) the year of his first Jubilee [9] his Body was taken up with great Solemnity, and laid in a most Rich and Sumptuous Shrine at the East-End of the Church, at the Charge of Stephan Langton his Successor. Concerning this Translation [1] Mat. Paris says his Body was taken out of a Marble Coffin, by Stephan Arch-Bishop of Canturbury, the King being present, and almost all the Bishops of the Kingdom, with the Abbats, Priors, Carls, Barons, Clergy, and much People, and placed honorably in a Shrine wonderfully wrought with Gold and precious Stones. There were present at this Translation, Arch-Bishops, Bishops, Abbats, Priors, and many others of France, and divers other Nations, who came cheerfully to so great a Solemnity in Honor and Reverence of the Blessed Martyr, who shed his Blood for the Universal Church. (Qui pro Universalis Ecclesie sanguinem suum fundere non timuit.) Paris lays this Translation was in crastino Octavarum Apostolorum Petri & Pauli. That is, the 7th of July, on which day says Mr. Sommer in the [2] Antiquities before cited, there is a Fair at Canturbury Called Becketts Fair. And in Norfolk, there is on the same day one at Brompton near Brandon Ferry, and another at West-Acre about four Miles Distant from Swat-

[5] Mat. Paris. f. 130. n. 40.

[6] Append. n. 64. He is Canonized for a Saint

And the Pope Commanded he should be worshipped and Prayers made to him, &c.

[7] Moved. f. 300. b. n. 50. His Miracles.

* f. 115. n. 501

[8] Somer. Antiqu. of Canturbury, p. 277. 178.

[9] Ibidem, p. 245. 246. Thomas his Translation.

[1] f. 310. n. 10.

[2] p. 246.

Becketts Fair.

Swissam, both called Bickets Fair, and in both places there are old Runas Chappels, which were undoubtedly Erected and Dedicated to him.

[13] Ibid.
p. 47.
The Riches of
his Shrine.

[4] Ibid. p. 148.

The Jewels That belonged to this [3] Shrine were shewn, being touched with a White Rod; and their Names, Price, and Donor Declared, and the spoils of it in Gold and Jewels of an inestimable [3] value filled two great Chests, one of which six or eight strong men could do no more than carry out of the Church. This Shrine had a Cleric and certain retainers that constantly attended upon it, [4] in Regard of the Treasure that was about it, and also of the continual offerings thereunto, by such as came to visit it, or came on Pilgrimage to it. Mr. Sommer says he had seen the Accounts of the Annual profits of it, which above 300 years since amounted to 200 l. per Annum, and within six or eight years afterwards they were more than Trebled.

[5] Ibidem.
His Jubilee
once in fifty
years.

[6] Append.
n. 65.
The vast num-
ber of people
that flocked
at a time to
Canterbury.

[5] Hoved.
f. 310. a. n. 40.
A. D. 1175.

[6] Ben. Abb.
p. 62. a.
An Ecclesi-
astical Council
held at West-
minster.

[7] Append.
N. 66.

[8] Hoved.
f. 311. a. n. 40.
A Controversy
in that
Council about
bearing the
Cross between
the two Arch-
Bishops, &c.

This Saints [5] Jubilee was kept every fiftieth year after his Death, and 'tis almost incredible what numbers of people flocked to Canterbury to the Solemnizing of it. In the Year 1420. there were by Estimation an hundred thousand people, English and Strangers, Irish, Welch, Scots, French, Normans, and from Garnsey and Jersey, as appears upon [6] Record, That came thither to procure the health or salvation of their Souls, and for whom the Bayliffs Commanded the Citizens to provide sufficient Lodgings, and the Victuallers, Tavernors, Brewers, Bakers, Butchers, Fishmongers, Cooks and Hosts, sufficient Victuals against the time of their coming.

The Arch-Bishop of Canterbury [5] held a Council at London in Westminster before the two Kings; and by their assent and desire on the Sunday before Ascension day, upon the 15th of the Kalends of June, (that is the 18th of May.) Celebravit [6] Cantuariensis Archiepiscopus Richardus Consilium apud Londoniam Westmonasterio, coram pro- d. et assensu & voluntate eorum die Dominica. Kal Jani. For the Canons of this Council see the [7] Appendix.

In this Council, [8] The Clerics of the Arch-Bishop of York claimed a right of That Church to carry up the Cross in the Province of Canterbury. They claimed also on behalf of their Arch-Bishop, The Bishops of Lincoln, Chester, Worcester, and Hereford; as belonging to his Province; and Appealed to Rome. They also Appealed to the Pope concerning the Sentence of Excommunication, against the Clerics of the Arch-Bishop of York that officiated in the Chappel of St. Oswald in Lincaster; for that they would not attend the Arch-Bishop of Canterbury upon his Summons; as the Clerics of his own Province

A little before [9] the Feast of All Saints this year, Cardinal Hugozun the Popes Legat, at the Kings request came into England, and found him at Winchester, making an Agreement between the two Arch-Bishops, and at length by the Kings interposition it was Agreed, That the Arch-Bishop of Canterbury, should release his Claim to the Chappel of St. Oswald, and absolve the Clerics of the Arch-Bishop of York which he had Excommunicated. And as to carrying the Cross and other Controversies between the two Churches, They were to stand to the Judgement of the Arch-Bishop of Rothen and other Neighbour Bishops of France. Cardinal Hugozun [1] Gave the King leave to implead Clerics, for trespasses done in his Forests, and for taking of Pen- sion.

Upon [2] Agreement between the Kings of England and Scotland made at York; The heads whereof are here recited f. 323. R. and f. 324. A. B. C. D. Richard Bishop of St. Andrews, and Richard Bishop of Dunbladen, Geoffrey Abbat of Dunfermelin, Herbert Prior of Colindaleham, and the other Bishops and Clergy of Scotland, Granted That the Church of England should have That power in the Church of Scotland, which of right it ought to have, and That they would not be against the right of the Church of England.

[8] Ibidem
fol. 311. a.
N. 10.

A Cardinal
sent into Eng-
land The King
makes peace
between the
Arch-Bishops.

[1] Ibidem.
N. 30.
The Cardinal
gives the King
leave to im-
plead Clerics.

[2] Append.
N. 67.

Taxes

Taxes in this King's Time.

A Scutage near the beginning of his Reign, not to be found what it was.

A Second Scutage to raise men for the [1] Siege of Tholose 180000 l. Hoc Anno Rex Henricus Scutagium sive Scutagium de Anglia accepit, cuius summa fuit, centum millia, & quater viginti millia Librarum Argentii, and the like of his other Countries, Gervais Chron. Col. 1381. lin. 3.

A Third Scutage in the 7th of his [2] Reign for the Siege of Tholose at two Marks every Knights Fee.

In the 12th of his Reign two pence in the pound [3] for the fifth year, and a penny in the pound for four years after, of all Rents and Moveables for Defence and assistance of the Church, & Terra Orientalis, of the East Land, (suppose the holy Land.)

A Fourth Scutage [4] in the 14th of his Reign at a Mark a Knights Fee.

A Fifth Scutage in the 18th of his Reign not known what it was.

In the last year of his Reign, a Tenth of all moveables for the Crusado or expedition into Holy Land.

Many more there must have been, seeing his whole Reign was a continual Course of War, and that very Expensive at home, in France and Ireland. Though we find no larger Account of them.

The Issue of King Henry the Second.

HE Married [1] Alianor Sole Daughter and heir to William Earl of Poitou and Duke of Aquitaine about Whitsunday in the year 1151. after she had been lawfully divorced from Lewis the 7th King of France, about the Close of Easter Preceding. By [2] whom he had William his Eldest Son born on the Octaves of St. Laurence (or 17th of August) in the year following 1152. before he was King. This William Dyed in the latter end [3] of June, or beginning of July 1155. and was Buried in the Monastery of Reading at the Feet of King Henry the First.

Henry by the same Alienor was born at London on the day before the [4] Kalends of March (i.e. the 28th of February) 1154. Mat. Westm. says

[1] See here f. 301. F. A. D. 1159. 5. Hen. 2.

[2] Lib. Rubr. in Scaccario. A. D. 1166.

[3] Chron. Gervais. Col. 1399. N. 10. A. D. 1166.

[4] Lib. Rubr.

See here f. 343 F. & f. 344. A.

[1] See here f. 291. C. D.

[2] Chron. Norm. f. 989. B. & Mat. Westm. A. D. 1152. William. [3] Chron. Norman. f. 991. B.

Henry. [4] Ibidem. f. 991. lin. 2.

lays 1155. On the [5] tenth of April following King Henry caused his great men of England at Wallingford to Swear Fealty for that Kingdom unto his first born William, and after his Death unto this Infant Henry. In August 1157 the two [6] Kings of England treated of a Marriage between this Henry and Margaret Daughter of King Lewis by Constance his Second Wife, Daughter of Alfonso King of Spain. And the next year A. D. 1158. the [7] Marriage was * Solemnized or rather according to the same Author. A. D. 1160. He Dyed without Issue.

Richard the Third Son by the same Woman was [8] born in September according to the Norman Chronicle A. D. 1156. which could not be so, if Mat. Westm. writes true; for he says his eldest Daughter Maud was born that year; Richard married Brengaria Daughter to the King of Navarre [9] whom his mother Queen Alianor carried after him to Sicily when he was in his expedition to the Holy Land, and was married to her afterwards in the Isle of Cyprus, but dyed without Issue. According to Ralph de Diceto * he was born in the year 1157. at Oxford.

Geoffry the 4th Son of the same King and Queen, was [10] born on the ninth of the Kalends of October, or 23d of September A. D. 1157. or more truly according to [11] Ralph de Diceto in the year 1158. He was by his Fathers Contrivance [12] Married to Constance only Daughter and heir of Conan Earl of Britany and Richmond. When he was killed he left her great with Child, of [13] which she was Delivered on Easter Day 1187. and he was named Arthur; who was taken Prisoner in the year 1199. at Mirabel Castle in Normandy, and as it was reported, [14] killed by his Uncle John with his own hands. This Geoffry had also a Daughter named Alianor only Sister and heir to this Arthur, she was sent by her Uncle King John into England and imprisoned, where she Dyed in the [15] year 1241. in the 25th of Hen. III. a Virgin.

John the fifth and youngest Son of this King and Queen, was [16] born at Oxford on Christmas Eve in the year 1166.

Their Daughters.

Maud the eldest [17] born A. D. 1156. and was Married to Henry Duke of Saxony [18] in the year 1164.

Alianor the Second Daughter was [19] born in the year 1162. and was Married to Alphonso [20] King of Castile in the year 1176.

Jean the Third Daughter was [21] born in the year 1165. she was Married to William [22] King of Sicily in the same year 1176.

H h h

Hu

[5] Ibidem A.

[6] Ibidem. f. 994. A. and here f. 300. D. [7] Mat. Westm. A. D. 1158. * See here f. 303. B. C.

Richard. [8] Chron. Norman. f. 993. D. Mat. Westm. A. D. 1156. [9] Rad. de Diceto. Col. 657. n. 30. * Ibidem. Col. 657. n. 30.

Geoffry. [10] Chron. Norman. f. 994. B. [11] Col. 531. n. 30. [12] See here f. 305. C.

[13] Wallingf. f. 452. n. 30. & Hov. f. 361. b. n. 10. [14] Chron. Norm. f. 1005. D. & Wallingf. h. ut supra f. 459. lin. 5. A. D. 1203.

[15] Mat. Paris f. 574. n. 40. John. [16] Genealog. Astor. f. 81. Mat. Paris f. 127. lin. 6.

[17] Rad. de Diceto. Col. 531. n. 20.

[18] Hoved. f. 281. a. n. 40. [19] Rad. de Diceto. Col. 533. lin. 6.

[20] Hoved. f. 317. a. n. 50. [21] Rad. de Diceto. Col. 539. n. 30.

[22] Hoved. f. 315. a. n. 10.

His Base Issue.

[5] Dugd.
Baron. Tome
i. f. 175. Col.
[6] Ibidem &
Hoved. f. 436.
b. n. 10.

William [5] Longespee or Long-Sword, so named from the Long-Sword he did usually wear, begotten of fair Rosamund Daughter of Walter Lord Clifford; To whom [6] King Richard his half Brother gave in Marriage, Ela the Daughter and heir of William Earl of Salisbury, and with her the Earldom.

[7] Hoved. f.
307. b. n. 10.
10. f. 348. b.
n. 30. 10.

Geofry another Base Son was Born of the same Lady, he was Bishop Elect of Lincoln from the [7] year 1174. to the year 1181. without being in Orders or Consecrated, when he renounced his Election, by the Kings Advice, and the Popes Mandate to the Arch-Bishop of Canturbury, That he should Either take Orders, and be Consecrated, or renounce. And then the King gave [8] him his Chancery (*dedi ei Cancellariam suam*) and 500 marks of Rent in England, and as much in Normandy.

[8] Ibidem f.
349. a. n. 10.

Morgan was also reported to be a Son of this King Henry, but by what woman not Known, to whom his Brother Geofry then Arch-Bishop of York gave the Provost-ship of Beverly [9] *Preposituram Beverlacensem Gautfridus Eboracensis Archiepiscopus Dedit Morgan fratri suo filio Henrici Regis ut Dicebatur.*

[9] Ibid. f.
468. a. lin. 1.
A. D. 1125.

THE

THE REIGN OF King Richard I.

After the Funeral of his [1] Father, Richard secured Stephan de Turons (of Tours) or as Mat. Paris, *Stephan de Turnham* Seneschal of Anjou, and loaded him with Irons, until he delivered the Castles and Treasure of his Father; which he had in his Custody, and squeezed him to the last Farthing. Then he came to Roven, where Walter Archbishop of that Place, in the presence of the Bishops, Earls, and Barons of Normandy, girt him with the Sword of that Dukedom on the 20th of July; and the Day after he received the Oaths of Fidelity and Fealty from the Clergy and Laity, (à Clero & Populo;) And on the 3^d Day, which was the 22^d of that Month, he met the King of France between Chaumont and Trie in Auxin Francois, in which Treaty, [2] he Demanded of the Duke the Town and Castle of Gisors, with the Country about it, who unwilling to part with that Fortrefs, added Four Thousand Marks in Silver to the Twenty Thousand his [3] Father engaged to pay him, and so obtained his Love and Favor. And the King of France Restored unto him all things which he had taken from his Father in the last War, as well Castles, as Cities, and Fortresses, Towns, and Lands.

While he remained in Normandy, his Mother Queen Alienor went from City to City, and from Castle to Castle as she pleased; and sent Commissioners into all Counties for the Releasing of Prisoners, for the Soul of her Lord Henry; having learnt from her own Experience, what Afflictions Prisons were. * Mat. Paris says, she had been closely imprisoned by her Husband Sixteen Years, and now her Son gave her leave to Direct and Order the Nation as she pleased in his absence.

She Commanded [4] by Precept from the Duke her Son, That all who were taken for Trespasses in Forests should be set at Liberty, and all that were Out-lawed for any thing done in Forests, might return free, and acquitted from all Forfeitures. That all such as had been taken, and restrained upon the Kings Will and Pleasure, or upon the Will and Pleasure of his Justice, and were not imprisoned by the Common Accusation of the County, or Hundred, or upon an Appeal, should be Released; And such of Those as were accused by the County or Hundred that could find Sureties for their Appearance and Tryal, if they were prosecuted,

H h h 2

should

[1] Hoved.
f. 373. a. n. 10.

The Castles
and Treasure
of his Father
delivered to
Duke Richard.

He is girt with
the Sword of
the Dukedom
of Normandy.
A. D. 1189.

[2] Ibid. n. 10.

[3] See here
f. 349. lin. 1.
he pays the
King of France
24000 Marks.

His Mother
Queen Alienor
released Prisoners.

* F. 152. n. 10.

[4] Ibid. n. 30.
What sort of
Prisoners
were released.

should be set at Liberty; Those also that were Imprisoned upon an Appeal for any Heinous Crime, if they had Sureties might be at Liberty. And all such as were Out-lawed upon Accusations, upon Common Fame, might return and give Security to stand Tryal; and such as were Out-lawed upon Appeal, if they could make Peace with their Adversaries, might be free. All those that were Appealed by such as confessed themselves Malefactors, (*Qui se Malefactorum Cognoscunt*) were Released; And those Malefactors, who had their Lives and Limbs given them for their Appealing others, were to Abjure the Realm, and Depart: And such Malefactors who voluntarily Appealed others, without a Pardon for their Lives and loss of Limbs, were to be kept in Prison until further Consideration.

[1] Ibid. n. 50. The Oath of Fidelity taken by all Freeman.

After which she Commanded [5] That every Freeman of the whole Kingdom or Government should swear, (*Et praecepit Quod unusquisque libertorum domini totius Regni juraret*) That he would bear Faith to Richard King of England, the Son of King Henry, and Queen Alieno, for the Preservation of their Lives, and Limbs, and their Terrene Honor, (*Quod fidem portabit Domino Richardo Regi Anglie, filio Domini Regis Henrici, & Domine Alienore Regine de vita & membris suis, & honore terreno*) As to their Liege Lord against all Men and Women that could Live and Dye, (*sicut ligio Domino suo, contra omnes homines & feminas, qui vivere possint & Mori*) and That they would be obedient to his Laws, and would assist him in all things, for the Conservation of his Peace and Justice. (*Et quod ii Justitiales erunt, & auxilium ei prestabunt, ad pacem & Justiciam suam per omnia servandam.*)

[6] Ibid. b. lin. 2. He restores Robert Earl of Leicester to his Estate, &c.

The Duke [6] returned to Robert Earl of Leicester all his Lands which his father had taken from him, and all those his Father had disinherited he restored to their former rights. He hated all those Clerics and Laics, which left his Father, and adhered to him, and turned them out of their Offices or Services, but such as served his Father faithfully, he retained, and enriched them by his Bounty.

[7] Ibid. n. 10.

He comes into England. [8] Ibid. n. 20, 30. His great Bounty to his Brother John.

On the 13th of [7] August he came to Barbelet (now Barfleur) and sent before him Walter Archbishop of Rouen, Henry Bishop of Bayeux, and John Bishop of Evreux, Baldwin Archbishop of Canterbury, Gilbert Bishop of Rochester, and Hugh and Hugh Bishops of Lincoln and Chester: and presently with his Brother John followed them into England, and landed them at Portsmouth [8]. To whom he gave the Earldom of Moreton in Normandy, the Earldoms of Cornwall, Dorset, Somerset, Nottingham, Derby, and Lancashire, with the Castles of Warleburgh and Ludgarth, with their Forts and all Appurtenances. The Castles de Perc and Boleover; yet the Duke kept in each County some Castles and Honors. He also gave Earl John the Honors of Wallingford, Ebbw, and Wye; and likewise the Daughter and Co-Heir of the Earl of Gloucester, with that Earldom. He gave to William Marshal the Daughter and Heir of Richard Earl of Strigul, and with her that Earldom.

[9] Ibid. n. 90. The Bishop of Ely's Estate came to him, he dying Intestate. * This in those Days was accounted a vast Estate.

While [9] the King and his Court were at Winchester, Geoffrey Bishop of Ely Died there Intestate the 21st of September, and the King seized his Estate, which amounted to * 3000 Marks in Silver, and 200 Marks in Gold, besides his Vessels, Jewels, and Gold. At that time

time he caused his Bishops, Earls and Barons, to look into his Fathers [1] Treasuries, where they found great Sums, which according to Tale and Weight, much exceeded 100000 Marks. [2] Mar. Paris says there were found above 90000 Pounds in Gold and Silver, besides Vessels, Jewels, and Precious Stones.

[1] Ibid. f. 371. a. lin. 1. His Fathers Treasure of great value. [2] F. 158. n. 40.

Having taken an Account of his Fathers Treasure, he sent his Officers and Bayliffs to all the Sea-Ports in England, Normandy, Poitou, and his other Dominions, to make Choice of the Ships of greatest Burthen, and caused them to be Victualled, Armed, and Furnished for his Expedition into the Holy Land, according to his Agreement with [3] the King of France.

Winchester then was the Kings Treasury. He makes choice of Ships for his Expedition into the Holy Land.

From Winchester he came to London, and there was [4] Crowned at Westminster on the Third of September, by Baldwin Archbishop of Canterbury. It was a Magnificent and Splendid Coronation, in the presence of the Bishops, Earls, Barons, and Great Men of the Kingdom, a Narrative whereof the Reader may find in Hoveden, and Mat. Paris, who related it from him; also in John Brompton, who * transcribed it verbatim from Paris, and may find it Translated in Mr. Sandfords Genealogical History of the Kings of England, Fol. 74.

[3] See here f. 348. F. [4] Hoved. f. 374. a. n. 10. 20. His Magnificent Coronation. [5] F. 153. n. 20, 20, 30. &c. * Col. 1157. 1158, 1159.

At his Coronation he [6] Swore he would keep Peace, Honour, and Reverence to God, Holy Church, and the Clergy all Days of his Life: *Juravit quod ipse omnibus Diebus Vita sua, pacem & honorem atque Reverentiam Deo, & Sanctae Ecclesiae & ejus ordinatis portaret.* Then he Swore, That he would Exercise right Justice, and Equity, toward or amongst the People committed to him. *Deinde Juravit Quod restant Justitiam, & equitatem Exerceret in populo sibi Commisso.* Lastly he Swore, That he would abolish all Evil Laws and perverse Customs, if any had grown up in his Kingdom, and that he would make and Establish good Laws, and without fraud or art would preserve them. *Deinde Juravit, Quod malas Leges, & consuetudines perverfas, si quae in Regno suo inducuntur sunt, Deleteret, & bonas Leges Conderet, & sine fraude, & malo Ingenio eas custodiret.*

[6] Hoved. ut supra. n. 50. His Coronation Oath.

After which, the Archbishop having anointed, put on his Vestments, and Robed him, [7] Delivered him the Sword of the Kingdom to suppress the Malefactors of the Church. (*Tradidit ei idem Archiepiscopus Gladium Regni ad Malefactores Ecclesiae Comprimensos.*) And then the Archbishop forbade him in the Name of God, to take such Royal Honor upon him, unless he intended inviolably to Keep the Oath he had made. [8] The King answered he would by the help of God keep it without fraud. And then he took the Crown from the Altar and Delivered it to the Archbishop, and he placed it upon his Head. (*Archiepiscopus prohibuit ei ex parte omnipotentis Dei, ne hunc honorem sibi assumeret, nisi in mente haberet supradicta Sacramenta & vota Quae fecerat inviolabiliter servare, & ipse Respondit, se per Auxilium Dei omnia servaturum sine fraude. Deinde ipse cepit Coronam de Altari, & tradidit eam Archiepiscopo, & Archiepiscopus ei, & posuit eam super Caput illius.*) Paris and Brompton have the same things in their Relations of this Coronation in the places before-cited.

[7] Ibid. b. lin. 6. The Archbishop delivers him the sword of the Kingdom to suppress Evil-doers to the Church. He forbids him to take upon him such Royal Honor, unless he meant to keep his Oath. [8] Ibid. n. 10.

[9] Col. 647.
l. 40. 30.Ralph de Dic-
to his Account
of this Cor-
onation.And of his
Coronation
Oath.[1] Mat. Paris
f. 134. n. 10.
Hoved. f. 374.
b. n. 30.Jews cruelly
abused, and
murdered.[2] Hoved.
supra. & f.
375. a. n. 10.He receives
the Homages
and Fealties of
his Nobility,
and exposes
his Castles and
Towns to sale.[3] Ibid. f. 375.
b. n. 40. and
Mat. Paris. f.
134. n. 30.
He makes the
Bishop of Dur-
ham fulliciary
for a Sum of
Money.[4] Paris and
Hoveden ut su-
pra. n. 301
He disposed of
the Bishoprics
by the advice
of his Bishops
and Great
Men.[6] Hoved. f.
375. b. n. 2.

The Report of this Solemnity by *Ralph de Dic- to* then Dean of St Paul's, who in the vacancy of the Bishopric of London, assisted at this Coronation, and Delivered the Oyl and Chrism with which the King was anointed, to the Arch-Bishop as he used it, Differs from the precedent Account; As to the Oath, and as to the Circum- stance of the Arch-Bishops prohibition, he hath not one word of it: his words are only these. *Comes Pinabazum Richardus, Pare- ditario Jure, promovendus in Regem, post tam Cleri quam Populi solennem & Debitam Electionem involutus est triplici Sacramento, sci- licet, quod opem impendet pro viribus, ut Ecclesia Dei, populusque Christianus, veram pacem obtineat; Quod interdiceret omnibus Rapaci- tatem, Quod in Judiciis equitatem precipiet & Misericordiam. Ri- chard Earl of Poitou, being by hereditary right to be Crowned, after a Solemn and due Election by the Clergy and Laity, took a threefold Oath, That he would do his utmost, that the Church of God, and the Christian people might enjoy Peace, That he would prohibit Rapin, That he would Command judgments, and Senten- ces to be done in Equity and Mercy.*

Many Jews came to this Coronation against the Kings [1] pro- hibition; The Courtiers beat them cruelly out of the Church, and pillaged them; The City Rabble hearing of it, fell upon them in the City, killed many of both Sexes, pulled down their houses and plundered them, and under pretence of being Jews burnt and pul- ded down many Christians Houses: Next Day the King sent his Offi- cers, and apprehended several of the Chief Malefactors, and caused them to be hanged.

The Second Day of his Coronation Richard King of England Received the [2] Homages and Fealties of the Bishops, Abbats, Earls, and Barons, and then exposed to sale his Castles, Towns and Lands. He sold to Hugh Bishop of Durham, and by his Charter gave and granted to the Church of Durham in pure and perpetual Alms, The Manor of Sadbergh with the Wapentac and Knights Fees belong- ing to it. For 600 Marks of Silver [3] Godfrey de Luci, when Bishop of Winchester bought of him Meregrave, and Genes; and Samson Abbat of St. Edmunds Bury bought of him the Manor of Willenhal for a 1000 Marks, and any other people that would, pur- chased of him, by which means he raised a great Sum of Money, [4] The Bishop of Durham bought of the King the Earldom of Northumberland for a great sum of Money, and gave him a 1000 Marks for to be Justiciary of England.

On the 16th of [5] September the King went to the Abby of Pipewell in Northampton-Shire, and by the advice of his Bishops, and other great men, gave unto his Brother Geoffry the Arch-Bis- poric of York, to Godfrey de Luci the Bishopric of Winchester, to Richard Arch-Deacon of Ely the Bishopric of Lons; To Hubert Walter the Dean of York, the Bishopric of Salisbury, and to Wil- liam Longchamp the Bishopric of Ely.

In this [6] Council the King constituted Hugh Bishop of Dur- ham, William Earl of Albemarle his Chief Justices of England, and

and associated to them in the Government of the Kingdom, William Marshal, and Geoffry Fitz-Peter, William Buer, Robert de Whitefield, and Roger Fitz Remfrid.

In the mean while he had [7] sent to Pope Clement, and ob- tained his Bull, That all such as he would permit to stay at home for the Guard of his Kingdom, should be acquitted from the ser- vice of the Crofs they had sworn to perform, by which power and indulgence, he acquired very great Sums of Money.

In the Month of November [8] Rotrod Earl of Perch, and other Envoys of the King of France, came into England and acquainted King Richard, that he in a great Council at Paris, and all the great men of his Kingdom who had undertaken the Crusado, had Sworn (God Willing) to be at * Arzelatium (Vezelay in Burgundy) in the close of Easter, to go forward to Jerusalem, and in Testimony he had made such Oath, he sent him his Chart, desiring that he and his Earls and Barons would give him the like security to be there at the same time. Whereupon King Richard and his Earls and Barons, which had undertaken the service of the Crofs (in generali Concilio apud Londonias) in a General Council at London (or as [9] Paris, Compocatis Episcopis & regni proceribus apud Westmonasterium, &c.) did swear That by the help of God they would be there at the same time, ready to go on as Desired; and Rotrod Earl of Perch and the King of France his Envoys did swear the same thing on behalf of him in that Council: and William Marshal and other on be- half of the King of England took the same oath before the King of France his Envoys in that Council, whereof King Richard sent to him the Chart.

At this time there was a great Controversie, between Baldwin Arch-Bishop of Canturbury, and the Monks of Holy Trinity there (of which the Reader may see Gerbace of Canturbury his Chro- nicle in this year) and in this Month John Anagninus a Cardinal was [1] sent from the Pope to Determine it; he came as far as Dover, and was prohibited to proceed further unless by the Kings Command; in the mean while the King came to Canturbury and made concord between them, upon these Terms, That Roger le Moyses whom the Arch-Bishop, against the will of the Monks had made Prior in the Church of Canturbury should be Deposed, and the Chappel which the Arch-Bishop had built in the Suburbs of the City, against their mind also should be Demolished, and that the Monks should per- form their obedience and profession to the Arch-Bishop as their pre- decessors had done. Upon the Accord the King at the Request of the Arch-Bishop made the deposed Prior Abbat of Evesham.

After this [2] peace made the King sent for John Anagnin the Cardinal, who came to Canturbury, and was received with Solemn pro- cession, yet took it ill, that the Agreement was made between the Arch-Bishop and Monks, in his Absence.

In the same [3] Month of November Geoffry Elect of York, with the Barons of Yorkshire, and the Sheriff, by the Kings Com- mand went to the River Tweede, and there received William King

[7] Ibid. n. 30.
He writes to
the Pope to
acquit some
of his Subj-
els from the
Service of the
Crofs.

[8] Ibid. f. 376.
a. n. 20. 30.
A. D. 1189.
The King of
France gives
him notice he
had undert-
ken the Cru-
sado, and
would be rea-
dy by Easter.
* Now Vice-
iatum.

[9] E. 155.
n. 10.
He and his
Great Men
promise the
same.

A Controver-
sie between
the Arch-
bishop of Can-
turbury and
the Monks of
Holy Trinity.
[1] Ibid. f. 377
n. 25.
The Pope
send one to
determine it,
but is prohib-
ited by the
King.
The King
comes to Can-
turbury and
composeth it.

[2] Ibid. n. 30.

[3] Ibid. n. 40.
50.

The King of Scots does Homage to King Richard. He delivers Roxburgh and Berwick Castles to him. And releases the Subjection of the Kingdom of Scotland. [4] Append. n. 68.

[5] Moved. f. 377. b. n. 30. Geoffrey Elect of York Appealed against by the Bishops of Durham and Salisbury.

His Election confirmed by the Cardinal Legat.

[6] Ibid. n. 40. 30.

He promises the King 3000l. and is restored to the Archbishopric. [7] Ibid. f. 382. a. lin. 3. Many Privileges and Immunities granted and confirmed to the Church of York.

[8] Ibid. n. 10. The Appeals against the Elect of York released.

[9] Ibidem.

of Scots, and conducted him to the King at Canturbury, where he arrived in the Month of December, and did him Homage for the Dignities he was to have in England, as his Brother Malcolm had them before. And King Richard delivered him the Castle of Roxburgh, and the Castle of Berwick, and Quiet claimed, and acquitted him and his heirs for ever from all Allegiance to himself, and the Kings of England; and also released the Subjection of the Kingdom of Scotland. And for this Restoring of his Castles, and quiet-claiming of the Fealty and Ligeance of the Kingdom of Scotland, and that he might have King Richards [4] Chart thereupon, he gave him ten thousand Marks Sterling.

On the [5] same day at Canturbury, Hugh Bishop of Durham and Hubert Bishop of Salisbury Appealed against Geoffrey Elect of York to the Pope before the said Cardinal endeavouring to prove his Election void, because they who were to have had the first suffrages were not present, and Ricard Treasurer of the Church of York, and Henry Dean of the same Church, did also appeal against him, denying his Election to have been Canonical for that he was a Man-Slayer, begot in Adulterie, and born of an Harlot. (*Tum quia homicida erat, tum quia erat in adulterio genitus, & de scorto natus*) But altho these things were objected against him, yet John Agnin Cardinal and Legat of the Apostolic See Confirmed his Election.

After these Dispatches on the [6] fifth of December the King went to Dover, where a Fleet attended to waft him over into France: and the next day Roger Elect of the Abby of St. German at Selby, by the Kings Command received his Benediction from Hugh Bishop of Durham, against the Prohibition of Geoffrey Elect of York; who seeing without Money he could not obtain his Brothers favor, promised him Three Thousand Pounds Sterling, and the King restored him the Archbishoprick, (i. e. the Temporalities) and Confirmed it by his Chart: he also restored all his Lay-Fees in England, and beyond Sea which King Henry his Father had given him. [7] He also Quiet Claimed to God, Saint Peter of York, and to Geoffrey the Elect and his Successors, all their Lands, and the Lands of their Canons for Ever from all Exactions and Grievances of the Forest, or Feoffers, and gave them free leave and power to hunt in all their Lands in Nottingham and York-shires.

Then also [8] Hugh Bishop of Durham, Hubert Bishop of Salisbury, Henry Dean of York, and Ricard Treasurer of the same Church, by the Kings Command Released their Appeals, which they had made against the Elect of York; and he at the Request of the King Confirmed to Henry the Deanry of York, and to Ricard the Treasury, and to Hugh Bishop of Durham all those Privileges and Agreements which had been between him and Roger Archbishop of York; promising to Confirm all those things with the Seal of his Consecration.

From Dover the [9] King with the Cardinal, Walter Archbishop of Rothen, Henry Bishop of Bayeux, and John Bishop of Eures, passed to Calais on the 11th of December, where Phillip Earl of Flanders met, and received him with great Joy, and Conducted him into Normandy.

He left behind him [1] Hugh Bishop of Durham, and *William Bishop of Ely his Chief Justices, and associated to them before his Departure Hugh Bardolf, William Marshal, Geoffrey Fitz Peter, and William Brewer. He Delivered to the Bishop of Ely his Chancellor one of his Seals, by which He Commanded his Precepts should be made in the Kingdom, (*per quod fieri precepit, Mandata sua in Regno.*) He Delivered him also in Custody the Tower of London; and to the Bishop of Durham the Castle of Winton in Custody, with the Forests and Country. The King was no sooner gone, but his two Chief Justices contended about Power; that which pleased one, displeased the other.

In the year 1190. King Richard kept the [2] first Christmas after his Coronation at Bure in Normandy, with the Great Men of that Nation. After that Solemnity, Phillip King of France and he met and Established a firm Peace between themselves and Kingdoms, which was Written and Confirmed by their Oaths and Seals on the Feast of St. Hilary (Jan. 13th) and the Archbishops and Bishops of both Kingdoms agreed to it, In the word of Truth, (*in verbo veritatis*) and the Earls and Barons of both Kingdoms, swore they would faithfully keep that Peace; which was, [3] That they should both preserve the Honor of each other, and keep Faith to one another, in Defending their Lives, Limbs, and Terrene Honor. That neither should fail the other in the Management of their Affairs: But that the King of France should help the King of England to Defend his Land as if he were to Defend the City of Paris, if it were Besieged. And so King Richard was to Defend the King of France his Dominions as he would Defend Rothen if that were Besieged. [4] The Earls and Barons of both Kingdoms swore They would not Depart from their Fealty to their Kings, nor make any War or Broils within their Dominions while they were in their Peregrination; and the Archbishops firmly promised in the Word of Truth, That they would Anathematize the Transgressors of this Peace and Agreement. They further agreed, That if either of them Died, the Survivor should have the Money, and Men of the Defunct, to carry on the Service of God. And because they could not be ready by the Close or Octaves of Easter, they Defered their Voyage until Midsummer.

After [5] Candlemas the King sent for Queen Alienor his Mother, Alice Sister to Phillip King of France, Baldwin Archbishop of Canturbury, John of Norwich, Hugh of Durham, Godfrey of Winton, Reginald of Bath, William of Ely, Hubert of Salisbury, Hugh of Chester, Bishops, and Geoffrey Elect of York, and his Brother John Earl of Hereford, to come to him into Normandy, and having advised with them, he constituted William Bishop of Ely his Chancellor Chief Justice of England (*Summum Justitiarum Angliae*) and granted to Hugh Bishop of Durham, the Office of Justitiarie from the River Pumber to the confines of Scotland, (*& concessit Hugoni Episcopo Dunelmensi Justitiarium a fluvio Pumbri usque ad Terram Regis Scotiae.*) [6] And made his Brothers John Earl of Hereford and Geoffrey Elect of York swear they would not go into England within three years next following without his leave, yet soon after he released his Brother John from his Oath, and

[1] Ibid. n. 20. William de Magnavill Earl of A. b. m. Dyed at Rothen in November. See Hist. f. 376. a. n. 20. The Bishop of Durham and Ely made Chief Justices. They contend about Power.

[2] Moved. f. 377. a. n. 40. 30. A. D. 1190.

A firm Peace Established between the Kings of England & France.

[3] Append. n. 69. The Articles of the Peace.

[4] Ibid. b. lin. 3.

[5] Ibid. n. 30. King Richard sends for his Mother, his Bishops and Brother to come to him into Normandy. The Bishop of Ely Chancellor made Chief Justiciary by the King.

[6] Ibid. n. 40. His Brothers John and Geoffrey swear they would not go into England in three years without his leave. John Earl of Hereford released from his Oath.

gave him leave to return to England; Upon his making another Oath that he would faithfully serve him.

[7] Ibid. & n. 70. He writes to the Pope to make his Chancellor Legate.

* See Append. n. 70. It cost the King of his Chancellor 1500 Marks. See Hoved. f. 380. b. n. 10. [8] Ibidem. The Chancellor encompassed the Tower of London with a Ditch. And levies an Ayl for the Kings use.

[9] Ibidem. f. 379. a. lin. 1. The Jews shut themselves up in the Tower of York for fear of the Christians. They refuse to deliver it upon demand. They cut one anothers throats rather than yield.

[1] Ibid. n. 30. * See Append. n. 71. what Power he gave him. The Chancellor comes to York and displaces the Sheriff and Constable of the Tower.

[2] Ibid. n. 40. The Bishop of Durham returns into England.

From [7] Normandy he sent his Chancellor into England, to prepare all things necessary for himself and his Expedition; and designing to Exalt him above all the Clerics and Laics of his Kingdom, He sent to Pope Clement and prevailed with him to Commit to him the * Legation Power of all England and Scotland, or rather Wales. His Chancellor at his return, encompassed the Tower of London with a Deep Ditch, intending the Thames should flow about it; and [8] Took for the Kings use of every City of England two Palfreys, or Saddle Horses, and two Sumpters, as an Ayl, and of every Abby one Palfrey, or Saddle Horse, and one Sumpter, and of every of the Kings Maners, as of the Abbs's. These horses undoubtedly were to be employed in the War he was undertaking, though 'tis not said so in the Historians.

On the 16th of [9] March, and upon the Eve of Palm-Sunday, the Jews of the City of York, by consent of the Constable and the Sheriff shut themselves up in the Tower there for fear of the Christians, and when the Constable and Sheriff Demanded the Tower of them, they refused to deliver it, whereupon the Citizens, and Strangers which came to the County Court, (Populus Civitatis, & Extranei, qui ad Comitatum venerant,) at the Request and by the encouragement of the Sheriff and Constable made an assault upon them, which they continued Night and Day, so as the Jews offered a great Sum of Money for Liberty to be gone, but the people would not accept it. These Jews were all destroyed. The Historian reports that finding they must fall into the Hands of the Christians, by agreement and Consent they cut one anothers throats, rather than they would Dye by the hands of the incircumcised, and enemies to their Law. However it was, [1] The * Chancellor, now also the Popes Legat and Justitiarie of all England, after Easter came to York with a great Army to take those malefactors which destroyed the Jews, and knowing it was done by the Command of the Sheriff and Constable, he Displaced them both, and took of the Citizens an hundred Pledges for the keeping of their faith and peace to King and Kingdom, and that they would stand to the Law in the Kings-Court concerning the Death of the Jews. And the Knights or Military Tenents of the County, That is, the Strangers which were Suitors and came to the County-Court as above, which would not come to right, or rather appear to the Accusation, he caused to be apprehended; (Bilites autem provincie, Qui ad Rectum noluerunt venire, precepti Comprehendi.)

At this time by the [2] Kings leave Hugh Bishop of Durham returned into England and met the Chancellor at Wiltshire in Nottinghamshire, and delivered him the Kings Letters Patents by which he had made him Justitiarie from the River Humber, unto the confines of Scotland: He told him he was ready to obey the Kings Commands, and carried him with him to Southwell in the same County, and kept him until he had delivered Wainbor Castle, and the rest which the King had given him in Custody. He also Delivered his Son Peter Pudley (de Pureto), and Gilbert de Lalea pledges for his faith to the

the King and Kingdom or Government [3] when the Bishop was free, he went to his Town of Hovedene; where when he had staid some days came Robert Longcamp, Brother to the Chancellor, and William de Sturebille with many armed people, and would have taken him away by command of the Chancellor: But he gave security he would not stir from thence without leave of the King or Chancellor. The Bishop sent his Messengers to the King to inform him of all things the Chancellor had done. The King was at Barthelemy, where the Bishops [4] Messengers came to him; and having heard the injury done to him by the Chancellor, he sent a Precept for the Delivery and possession of the Earldom of Northumberland, and Maner of Sabberg, according to the Charter he had made, and that these were detained, in all probability, was the only Complaint of the Bishops Messengers, and the quarrel between him and the Chancellor; for the King takes no notice of any thing else, not the least of any other injuries done him.

From Normandy the King went to [5] Chinon in Anjou, and there made Gerard Arch-Bishop of Bernard Bishop of Baton alias Bayeux, Robert de Sabloil, Richard de Cambil, and William de Forz de Alenon, the Commanders of his whole Fleet. Deinde perrexit Rex Anglie in Andigabiam ad Chinonem, & ibi Constituit Girardum * Antientem Archiepiscopum, & Bernardum Episcopum de * Baiona, & Robertum de Sabul, & Ricardum de Cambil, & Willielmum de Forz de Alenon Duxores & Constabularios totius Navis sui.

The Commanders, or as the Historian calls them, Constables of his Fleet being appointed, by the Advice of heroic Discreet men, He made [6] Laws for prevention of Quarrels and Mischief, and preferation of Peace and Amity in it, which were, That if any one Killed a man in a Ship, he was to be bound to the Dead man and thrown into the Sea: if he Killed on Shore, he was to be bound to the Dead man and Buried with him. If any one was Convicted by lawful Witnesses that he drew his Dagger or Knife to hurt another, or drew Blood, he was to lose his Hand. If any one struck another with his open hand without Effusion of Blood, he was to be Ducked thrice over head and ears in the Water. If any one gave to his Companion opprobrious Language, so often as he did it, he was to give him so many Ounces of Silver. If any one Stole any thing, his head was to be shaved, and boyling Pitch poured upon it, and Feathers stuck in it: that he might be Known, and the first Land the Ship came to he was to be thrown out of it. And in another Edit or Writ (in alio Regis suo) That all persons in his Fleet should obey the Commands and Orders of the Officers he had appointed (ut obediunt Ducibus & Preceptis predicatorum Justitiariorum Navis sui.)

From Chinon he went to [8] Tours, and there received the Scrip and Staffe of Pilgrimage from the hands of the Arch-Bishop, and passed on to Orzelay, where he met the King of France, where they staid only two Days, and left that place on the first of July, and went forward to Lions, and passed the River Rhone, and there parted, their numbers not permitting them to keep the same course; the King of France taking his way to Genoa, and the King of England to Barthelemy. To which place [9] Baldwin Arch-Bishop of Canturbury, Hubert

[3] Ibid. n. 40. He is ill treated by the Chancellor.

[4] Ibidem. f. 380. a. n. 20. He informs the King of it, and is by his precept restored to his possessions.

[5] Ibidem. f. 379. b. l. 5. * What Arch-Bishop this was, whether it might not be of Angiers or Anjou, I know not. * Faltis Printed, it should be Alenonem, See there f. 380. b. n. 40.

[6] See Append. n. 72. Laws made for preferation of Peace and Amity in the Fleet and Army.

[7] Hoved. ut supran. 10. 20.

[8] Ibid. n. 10. 30. King Richard receives the Scrip and Staffe of Pilgrimage. A. D. 1199.

[9] Ibid. n. 10.

He had a prosperous Voyage to Acon. [1] Ibidem. The Bishop of Norwich is absolved by the Pope and returns home. He pays the King 1000 Marks. [2] Ibidem. f. 386. a. n. 30. 40.

[1] Ibid. f. 386. a. n. 50. [4] Ibid.

[5] Ibid. b. n. 30. The English by force take Messina. [6] Ibid. f. 386. a. n. 90. What was demanded of Tancred King of Sicily by King Richard. [7] Ibid. b. n. 50. f. 381. a. lin. 1. &c.

[8] Ibid. n. 10. What Tancred gave to him.

[9] Ibid. b. n. 10. [1] Ibid. f. 386. a. lin. 1. & n. 10. [2] Ibid. 40. A. D. 1195. King Richard declares his Nephew Arthur his heir if he dyed without issue.

[3] Ibid. f. 390. b. lin. 5. n. 10. The Death of Robert Earl of Leicester, Ranulph Glanvill, and Baldwin Arch-Bishop of Canterbury.

Hubert Bishop of Salisbury, and **Ranulph de Glanvill** sometime Justiciar of England came with the King, and shipped themselves and had a prosperous Voyage to Acon. **John [1] Bishop of Norwich** repented him, went to the Pope, was absolved from his Engagement, and had Licence to return home; which being known to the King, he received of him a thousand Marks for his Redemption, or to be freed from his promise of undertaking the *Crusado*.

When the King had [2] staid at **Barseille** Eight Days, in expectation of his Fleet, he was out of patience, and there hired ten Great *Buttes*, and twenty well armed Gallies, and Shipped as many as he could, and Sailed from thence upon the seventh of *August*, and Coasted it along toward *Sicily*. His Fleet came not thither until the 22d of [3] *August*, and there staid Eight Days, to Mend and Cleanse their Ships, and then followed the King, and on the 14th of [4] *September* arrived at *Messina*.

Here the two [5] Kings met again. King Richard Demanded his Sister **Joan of Tancred King of Sicily**, the Widow of **William** the late King, and she was Delivered to him out of Custody. And afterwards the English by [6] force took the City of *Messina* which King Richard kept untill **Tancred** had satisfied all his Demands, which were, That he should permit his Sister to enjoy the Dower settled upon her by King **William of Sicily** her Husband. That she should have the Gold Chain according to the Custom of the Queens of that Country. Also the Gold Table 12 Foot long and one Foot and half Broad, and two Golden Treffels belonging to that Table, and a Silk Tent in which 200 Knights might be entertained, and 24 Silver Cups, and so many Silver Dishes, and 60000 Measures of Wheat, and as much Barly and Wine accordingly: And an hundred Gallyes armed, with their whole Furniture and Victuals for the Mariners or Gally-men for two years. All these things he Claimed as heir to his Father King **Henry**, to whom King **William** had devised them on his Death bed.

Tancred [8] by advice of his wife men gave him 20000 ounces of Gold in lieu of his Sisters Dower, and 20000 to be Quit of his other Demands, and for a Marriage to be contracted between **Arthur Duke of Britany King Richards Nephew**, and his Daughter. And upon Executing the Charter of Peace between them [9] **Tancred** gave him other twenty thousand ounces of Gold to be free from all his Questions and Demands whatsoever. And that for **Tancred**s greater security he should [1] write to the Pope and give him an Account of their Agreement, which Epistle bare [2] date at *Messina* November 11th wherein he Declares his Dearest Nephew **Arthur** his next Heir if he dyed without Issue.

This year Dyed [3] **Robert Earl of Leicester** in *Romania*, going to the Holy Land, and **Ranulph de Glanvill** Dyed at the Siege of *Acon*, and then and there also Dyed **Baldwin Arch-Bishop of Canterbury**, and left **Hubert Bishop of Salisbury** his Executor, who performed his Office faithfully, and Distributed his Goods according to his Desire.

In

In the month of *February* King Richard sent his Gallys from *Messina* to *Naples* for his Mother [4] **Queen Alienor**, and **Beren-garia** Daughter of **Sanatus King of Navarre** whom he was to Marry. They came through *France* and *Italy* to *Naples* over Land.

Not long before this time, There happened in [5] *England* great Disension between the Chancellor and **Earl John** the Kings Brother, and the other great men of the Land, and it came to such an height, as they all wrote to the King, Concerning the State of his Kingdom, and the Grievances the People sustained by the Chancellors Government, who sent from *Messina* [6] **Walter Arch-Bishop of Rothen**, and **William Marshal Earl of Striguit**, Commanding his Chancellor, [7] That all things in the Kingdom should be done by the advice and assistance of the Arch-Bishop of Rothen, and the joynt undertaking and Direction of **William Marshal**, **Geoffrey Fitz-Peter**, **Hugh Bardolf**, and **William Bruer**. When they came into *England* they dare not deliver him the Kings Letters, for he Despised all the Kings Mandates, and would have no Peer or equal in the Kingdom.

On the first of *March* King Richard [8] went from *Messina* to *Catania* another City of *Sicily* 60 Miles from it, to visit **Tancred**, where he staid three Days, and at his Departure they presented one another with Gifts. **Tancred** brought him on his Journey toward *Messina*, and before they left one another he gave him a Letter he had [9] received from the King of *France* by the Duke of *Burgundy*, in which he told him the King of *England* was a Traytor and would not keep the Peace he made with him; And that if he would set upon him in the Night, he would assist him with his Forces and Destroy the King of *England* and his Army. To whom the King of *England* said he was not, had not been nor would be a Traytor, And that what Agreement he had made with him he would observe it so long as he Lived. And that he could not easily believe the King of *France* would send him such a Letter. To whom King **Tancred** Answered, That if the Duke of *Burgundy* denied he gave him those Letters from the King of *France*, he was ready to disprove him by one of his own Dukes. The King at his return to *Messina* mightily Estranged himself from the King of *France*, who inquiring into the reason of it, King Richard let him know by the Earl of *Flanders*, That he had received such a Letter, and the Contents of it, and let the Earl peruse it. The King of *France* was silent for a while, and then said the pretended Letter and Lye, was a Trick of King Richards to get rid of his Sister **Alice** (whom he had Sworn to Marry) and threatened that if he did Leave her and Marry another Woman, he would be his Enemy so long as he Lived.

The King of *England* [1] Replied he could by no means make his Sister his Wife, because his Father had Known her, and begotten a Son of her, and produced many Witnesses to prove it. And the matter of fact appearing to the King of *France* to be so; by the Advice of the Earl of *Flanders*, and others of his great men, a Composition was made between them. The King of *France* was to acquit him

A. D. 1197. [4] Ibid. f. 391. b. n. 10. 20.

[5] Ibid. A great Disension between the Chancellor John the Kings Brother and other Noble men. [6] Ibid. n. 30. [7] See Appendix. n. 73. 74. A. D. 1191. The Chancellors haughtiness.

[8] Hoved. n. 40. 50.

[9] Ibid. f. 391. a. lin. 1. & n. 10. 20. 30. The Treachery of the King of *France* to King Richard discovered by **Tancred**.

[1] Ibidem. King Richard refuses to Marry the King of *France* his Sister.

The difference between the Kings of England and France compared.

The Duke of Brittany a Feudary to France.

[1] Ibid. n. 40. The King of France with his Army arrives at Acon.

[3] Ibid. n. 50. King Richard sends to the Pope to confirm and Consecrate his Brother Geoffrey.

[4] Ibid. f. 303. r. 10. His Fleet separated by a great Storm.

[5] Ibid. Many Soldiers were drowned.

Such as escaped were imprisoned and Robbed by the Emperor of Cyprus.

[6] Ibid. He sends to the Emperor to release his prisoners, but is refused.

[7] Ibid. s. b. n. 10. r. 38. He takes the Town by assault, and the Emperor and his Daughter Prisoners.

him of his Oath and Agreement he had made concerning his Sister Alice and King Richard was to pay him in five years time 10000 Marks, whereof he paid him 2000 down, and was to deliver 6000 and what else the King of France had given in respect of the intended Marriage, and then he was at Liberty to Marry who he pleased; and the Agreement further was, That by his Chart the King of France Granted, That the Dukedom of Britany, should for ever belong to the Dominion of the Duke of Normandy, and that the Duke of Britany should always be his Man or Feudatary; and should answer all things to him as to his Liege Lord. And that the Duke of Normandy should answer to the King of France for both Dukedoms, and so they were made friends, and the Agreement confirmed by their Oaths and Seals, with the Addition of many Witnesses.

On the 30th of March [2] the King of France Sayled from Messina, and two and twenty days after arrived at Acon, with his Army. The King of England staid there with his Army after his Departure, and the very Day he set Sayl, Queen Alienor came thither with Berengaria, and the [3] fourth day departed toward England, and went by Rome, and by her the King sent to the Pope and humbly Requested, he would confirm the Election of his Brother Geoffrey, and Consecrate him Arch-Bishop of York, or permit it to be done by some other person. When the went away she left the King of Babarce his Daughter with Joan Queen of Sicily.

In April next following [4] on Good Friday Eve, King Richard with his whole Army set Sail from Messina with 150 Great Ships, and 53 Gally's well armed; on Saturday happened a great Storm which separated the Fleet, The King with part of it was driven into Crete, and from thence Sayled to Rhodes. The great Buss (Bussia magna) in which was the Queen of Sicily and Berengaria, and many of the Kings Servants, with two other Busses were driven to the Isle of Cyprus. [5] After the tempest, the King sent out Gally's to seek for the Buss, and found it without the Port of Limnezun in Cyprus. The other two perished at the Entrance of the Port, and in them many Knights, and Kings Servants. All their Goods, Vessels or as others call it the Emperor (as he called himself) of Cyprus, seized, and all such as Escaped he imprisoned and robbed, and would not permit the great Buss to enter into the Harbour.

When the King heard where the Buss was, he came to their assistance with many Gally's and a great Fleet of Ships, [6] and found it without the Port exposed to the Wind and Sea. He sent to the Emperor, and humbly requested him with much earnestness, the first, second, and third time, to Release the Prisoners and restore their Goods. He returned haughty answers, and would not do what was begged of him.

King Richard provoked with these Barbarous actions [7] presently calls for his Arms, bids his Soldiers follow, and causeth them to land in Boats, leads them on, and takes the Town, and in a short time Conquers the whole Island; and took the Emperor Prisoner and his Daughter.

Here

Here he was [8] Married to Berengaria on the 12th of May by his Chaplain Nicholas, and was busied in settling the Island until the first of July, which was the Eve of Pentecost, and that day he sent the Emperor bound in Gold and Silver Chains to Tripoly, and gave the Government of the Island to Richard de Camvill and Robert de Turnham. And on the same day * the Queens of England and Sicily with the Emperors Daughter Landed and appeared before Acon with the greatest part of the Kings Fleet.

Who staid [9] behind and took one half the Goods of all the inhabitants of the Island, and Confirmed the Laws and institutions they had in the time of Emanuel Emperor of Constantinople, and went from thence with his Gallys on Thursday in Whitsun-week, and next day arrived at Cyre, and from thence went to the Siege of Acon, which not long after was taken by the Christians.

This City being [1] taken after almost two years Siege, King Richard desired of the King of France, That they might mutually Swear they would stay in the Land of Jerusalem with their Army's for three years, and wholly subdue it. He would make no such Oath but two days after sent to the King of England the Bishop Beabais and Hugh Duke of Burgundy &c. by whom he asked Leave of him to return into his own Country. (Et per illos petiit licentiam redeundi in Regionem suam.) To whom he objected the Disgrace it would be to the King of France if he returned and left the Business they came for undone. But if he found himself infirm or weak, or was afraid to dye there, he might do his pleasure. [2] The King of France was mighty uneasy, and about a week after sent again to the King of England for leave to Return, (petiit iterum a Rege Angliae licentiam repatriandi) but could not obtain it, until he had made Oath, That he would protect his Dominions and people until his return, and that he would do no Damage to them, nor suffer any to be done by others, which performed, The King of France made the Duke of Burgundy his General, and left with him the greatest part of his Treasure to pay the Soldiers, Departed from Acon on the 31st of Jul.

After the Cities and Towns [3] upon the Sea Coast of Palestine by the Courage and Conduct of King Richard were all in the possession of the Christians, He urged the Duke of Burgundy and French to joyn with him and besiege Jerusalem, and would have engaged them by Oath, not to have stirred from before it until it had been taken; They refused his proposition, and told him they must leave that Country as soon as they could, as their Master the King of France had commanded them, and so left the King and went to Acon.

At this Time [4] Saladin Emperor or General of the Saracens offered a Truce for three years, upon such Terms as King Richard with the Advice of the Templars, and whole Army thought fit to accept; seeing his Army grew sickly, and he wanted men and money. And then [5] by reason of the ill news he had received, concerning the King of France, The Expulsion of his Chancellor, and his Brother John, That he had seized many of his Castles, and would take from him

[8] Ibid. f. 394. a. r. 10. 10. A. D. 1191. King Richard married to Berengaria. He sends the Emperor Prisoner to Tripoly. * Ibid. n. 30.

[9] Ibid. n. 40. He settles the Government of Cyprus, and went to the Siege of Acon.

[1] Ibid. f. 396. r. 10. 10. 30. Acon taken after two years Siege. The King of France desires leave of King Richard to return into his own Country.

[2] Ibid. f. 397. a. lin. 4. n. 10.

[3] Ibid. f. 408. a. n. 10. 10. Rad. de Di-

rect. Col. 667. n. 60. King Richard desires the French to joyn with him in the Siege of Jerusalem, but is refused.

[4] Moved. In supra. n. 30. Saladin offers a Truce for three years, which was accepted by King Richard.

[5] Ibid. n. 40. 50. What moved him to hasten his return to England.

A. D. 1191.

[6] Rad. de Diceto Col. 668. n. 30. 40. King Richard taken Prisoner in his return home. He is delivered to the Emperor for a Summe of money.

[7] Ibid. Earl John well pleased with his Brothers imprisonment. His contrivance to secure the Crown for himself.

[8] E. 339. b. n. 10. A. D. 1199. A discord between him and the Chancellor. * Expulso Gerardo de Camb. vil a d. Baldui Picconianus Lincolnie. Compoted by the mediation of the Bishops. [9] Append. n. 75.

[1] Moved. us supra f. 399. a. n. 30. Geoffrey Elect of York comes into England before the three years were expired.

[2] Ibid. m. n. o. 50. He is taken by the Chancellors Officers and delivered Prisoner to the Constable of Dover Castle.

[3] Ibidem. b. n. 10. But is released by Earl Johns Order. The Chancellor is summoned to appear in the Kings Court, but refuses.

him his Kingdom if he could; left *Palestine* on the 8th of October, and made as much halt homeward as he could. But thinking it not safe to come through *France*, he took his way through *Germany* from *Aquilea* (upon the North Shore of the *Venetian Gulf*) and on the 20th of [6] December was in Disguise taken at *Vienna* by the Duke of *Austria*, and after ward on Wednesday in Passion Week Delivered to the Emperor for a Summe of Money.

It was observed [7] That *Earl John* was very *Brisk* when he heard his Brother was made Prisoner, and conceived great hopes of being King; and therefore he headed in many through the whole Kingdom with great promises, and with great Diligence fortified his places of Strength, and went over into *France* and entred into a Confederacie with that King, that he might secure his Nephew *Arthur*; but from enjoying the Crown; and it is no hard matter to believe this from his precedent actions.

In the Absence of the King, there happened great [8] discord between *Earl John* and the Chancellor about *Lincoln Castle*, which was in the Custody of *Gerard de Cambill* Sheriff of *Lincolnshire*, who was turned out of his * Office by the Chancellor, and *William de Sturtebill* put into it, but would not part with the Castle; and while he besieged it, the Castle of *Nottingham*, and the Kings Castle of *Cikehill* were delivered to *Earl John*, who sent to the Chancellor that unless he quitted the Siege, he would force him to do it: He affrighted at the Earls Message raised the Siege, and by the Mediation of the Bishops and other friends, an agreement was made between them, which the Reader may find in the [9] Appendix with the Translation of it.

Not long after this Agreement, *Geoffrey* the Elect of *York*, was consecrated by the Arch-Bishop of *Canterbury*, by the Popes Command, who not regarding the [1] Oath he had made to his Brother the King, That he would not come into England in three years, after the King should leave it, came to *Wiltan* (perhaps at this Day *Salais*) and was there ready for his passage over. The Chancellor forbade him to come into England contrary to his Oath he made to the King. He regarded not the Chancellors Prohibition, and Landed at *Dover* in the month of September, where the Chancellor had appointed Officers to apprehend him: But having notice of it he changed his Cloaths, and mounted a Swift Horse, and got to the Monastrie of *St. Martins* belonging to that Town, and put himself into the Church: [2] The Chancellors Officers Guarded the Church so as he could not go out, and after Mass took him while he was standing at the Altar in his Sacerdotal vestments, and carried him out of the Church through the Dirty Streets, and Delivered him to *Mathew Clerke* the Constable of *Dover Castle*. [3] *Earl John* hearing of this, ordered the Chancellor to release him: And then coming to *London*, he complained to *Earl John*, and to the Bishops and great men of the injury he had received from the Chancellor. The Earl commanded he should stand to the Law in the Kings Court for that, and also for the Injury he had done to *Hugh Bishop of Durham*. The Chancellor deferred his appearance, the Earl, the Arch-Bishop of *Rothen*, the Bishops and chief men of the Kingdom appointed him a *Peremptory day* at *Reading*

ing, whither *Earl John*, and almost all the Bishops, Earls, and Barons of the Kingdom came in expectation of him: but he neither came nor sent any one to appear for him. Then the Earl and the Bishops that were with him went toward *London*, That they might consult before a great Audience of the Citizens, what they should do with that Chancellor That had so troubled the Kingdom, and would not stand to Law. He hearing of it, left *Windsor*, and went to *London*, and by the way his and the Earls retinue, their Milites or Knights met and fought, in which Skirmish one of the Earls Knights *Roger de Plantis* was Killed, yet he had the better, and the Chancellor fled to *London*, and he and his Retinue got into the Tower.

On the 10th of [4] October *Earl John*, the Arch-Bishop of *Rothen*, the Bishop, Earls, Barons, and Citizens of *London*, met in *Pauls Church-Yard*, and accused the Chancellor in many things, but especially for the injuries he had done to the Arch-Bishop of *York* and Bishop of *Durham*. Those also the King had associated with him in the Government accused him, saying, That he Deposed their advice, and managed all the Business of the Kingdom by violence, and according to his own Will. And then the Arch-Bishop of *Rothen*, and *William Marshall* Earl of *Strigull*, first shew before the People their Letters under the Kings Seal from *Messina*, by which they were associated with the Chancellor and others in the Government of the Kingdom, and that he was to do nothing without their advice, and if he did, and it was to the detriment of the Kingdom, he was to be [5] deposed and the Arch-Bishop of *Rothen* put in his place. And it pleased the Earl, and all the Bishops, Earls and Barons of the Kingdom, and the Citizens of *London* that it should be so; for that the Arch-Bishop of *Rothen* would do nothing without the Advice of his associates, and the Barons of the Exchequer.

And the same Day the Earl of *Bozeton*, and the Archbishop of *Rothen* and the other Justices (That is, the Commissioners in the Government) of the King Granted to the Citizens of *London* to have their Community. Et eodem die Comes *Bozetonit*, & Archiepiscopus *Bozomagenensis*, & alii Regis Justiciarii Concesserunt Civibus *Londoniarum* habere Communam suam. And the same year the Earl and Arch-Bishop and almost all the Bishops, Earls and Barons of the Kingdom did swear firmly and resolutely to uphold that Community, so long as it pleased the King. Et eodem Anno Comes *Bozetonit*, & Archiepiscopus *Bozomagenensis*, & fere omnes Episcopi, & Comites, & Barones Regni Juraverunt Communam illam firmiter & inconcusse servaturos, quamdiu Domino Regi placuit. And the Citizens of *London* did swear faithful service to King *Richard* and his Heir, (& heredi suo). And if he should Dye without Issue, That they would receive *Earl John* his Brother for their King and Lord, and they Swore Fealty to him against all men, saying their Fealty to King *Richard* his Brother. And the Deposed Chancellor Swore he would Deliver up all the Castles of *England*, and he presently delivered to him the Tower of *London* and *Windsor Castle*, with some others.

Askirmit between the Earls and Chancellors retinue. One of the Earls Knights slain.

[4] Ibidem n. 20. The Chancellor accused of high Misdemeanors.

[5] No such thing in the Letters. See Append. n. He is deposed.

[6] Ibidem. n. 40.

The Citizens of *London* swear fealty to King *Richard* and *Earl John* as his Heir. The Tower and *Windsor Castle* delivered up to him by the Chancellor.

The different Characters of this Chancellor.

[7] Ibid. f. 400. a. in his Epistle de Desolatione Willielmi Bliesis.
[8] Ibid. f. 401. b. in his Epistle pro Willielmo Eliensis Episcopo.

The Character of this Chancellor is various according to the inclinations of men of that time. [7] *Hugh de Nunant* Bishop of Coventry one of his prosecutors, says he was of a proud, haughty, imperious temper, profuse and extravagant beyond measure, a consumer of the Kings Revenue, and injurious to all sorts of men. *Peter of Blois* then Arch-Deacon of Bath, a man learned and famous, [8] Defends the Chancellor against the sharpen of the Bishop of Coventry, and begins his Epistle Thus, *Quondam Domino & amico Hugoni Coventrensi, & Celsenti dicto Episcopo, Petrus Blesensis, Bathoniensis Archidiaconus, Dei Memoriam cum Timore; Livor quo tendat, Invidia quo feratur, proditorie factionis hodie patefecit, immanitas. Dilectus Deo & hominibus Episcopus Eliensis vir sapiens, amabilis, generosus, benignus, & Mitis, & in omnes liberalitates Effusus. Juxta Divine Gratie Dispositionem, & suorum Exigentiam morum, & meritum, Republice administrationem & summam rerum fuerat affectus, &c.* in English thus, To his Quondam Lord and friend Hugh called Bishop of Coventry and Cheller, Peter of Blois Arch-Deacon of Bath. The Memory of God with fear: What Detraction and Envy may do, The fury of a Trayterous faction hath at this time discovered; The Bishop of Ely beloved of God and men, a wife, loving, Generous, Kind and Mild man, abounding in all Instances of Liberality, according to the Disposing of Divine Grace, and his own due Qualifications and Merits, obtained the Administration of the Government, and the chiefest power in it, &c. And proceeds to reprove him for his virulent Language against him without Cause.

[9] Ibid. f. 402. a. n. 10. He is released from his imprisonment, and goes into Normandy. He complains to the Pope and King, and offers to stand a Trial.

After Eight Days [9] Imprisonment, Earl John gave Order he should be released and go beyond Sea. He went into Normandy, where by Command of the Arch-Bishop of Rothen he was reputed as an Excommunicated person, and in all places where ever he came in that Arch-Bishopric all Divine Offices ceased during his abode there. At length he sent to Pope Celestin, and to the King of England, letting them know how Earl John and his Complices had thrown him out of the Kingdom, complaining of the Injury, and desiring restitution of what had been taken from him; and offering to stand to the Law (or Trial.) And that if what he had done, or his Expenses should not please the King, he would in all things satisfy him according to his own mind.

[1] Ibid. f. 402. a. n. 10. He writes to the English Bishops to excommunicate Earl John.
[2] Ibid. b. n. 10.
[3] Ibid. f. 403. a. n. 10. The Bishops refuse to do it.
[4] Ibidem.

At which Complaint the [1] Pope was much moved, and wrote to the Arch-Bishops and Bishops of England to Excommunicate Earl John, and all his Advisers, Complices, and Favorers. And William Bishop of Ely as Legat and Chancellor wrote to the Bishop of Lincoln to put in Execution the Popes Brief, and sent him the [2] names of such as he would have him Excommunicate, *videlicet, Walter Arch-Bishop of Rothen, Godfrey Bishop of Winchester, Hugh Bishop of Coventry, William Marshal, Geoffrey Fitz-Peter, William Bruet, Hugh Bardolf,* and many others. [3] But, none of the Bishops would Execute either the Popes, or his Command, as not owning him as Legat or Chancellor. [4] And the Arch-Bishop of Rothen, and the other Justices of England, & alii Justiciarii Anglie, (That is the Commissioners for the Government) disseized him of his Bishopric, and Collected the Rents to the Kings use, to make good the

money he had Wasted: [5] And then the foresaid Justices, and all the Bishops, Earls, and Barons of England sent to the King, and by one Common Letter acquainted him how his Chancellor had destroyed the Kingdom and his Treasure, and how he had been put out of his Office by the Common Council of the Kingdom. The Chancellor on the other side, wrote to the King, That his Brother John had Seized the Kingdom, and would Crown himself, if he returned not speedily: Yet the King trusting in God, would not Desert his Service, until men and Money failed.

In Lent following [6] Queen Alienor, the Arch-Bishops of Rothen and York, and all the great men of the Kingdom met, and Swore Fidelity and faithful Service to King Richard, and to his Heir against all men. [7] At the same time the Earl for 500 pounds having promised to restore the Chancellor to his Office, sent for him into England, and tried to induce the great men to consent to it, who would not, but sent to him that unless he Departed the Kingdom they would imprison him, he not daring to stay, passed over the Sea on Good Friday.

While these Commotions were in England King Richard was mightily uneasy in his imprisonment in Germany, and for his liberty he gave the Emperor his Kingdom, and invested him in it, by the Delivery of his Hat or Cap, and he presently, as they had agreed before the great men of Germany and England, redelivered it unto him, to hold of him by the annual Tribute of 5000 pounds Sterling, and invested him by a Double Cross of Gold. But before his Death acquitted and Discharged King Richard and his heirs of this and all manner of Bargains.

Alice the King of France his Sister was in the [9] Custody of the Seneschal and great men of Normandy, and he had Demanded her of them, but they would not deliver her without order from their King Richard, at [1] which he was much troubled and disturbed, and sent into England to Earl John, That if he would submit to his pleasure and advice, he should Marry his Sister Alice, and with her he should have Normandy, Aquitan and Anjou, and all the Lands which his Father had been possessed of in France, and that he should make him King of England.

Earl [2] John soon after Christmas, passed into Normandy, where the Seneschal, and other great men met him, and desired he would go to Alenton to treat with them about the Kings affairs, and the freeing him from Imprisonment; [3] he told them if they would receive him as their Lord, and Swear Fidelity to him, he would go with them, and undertake their Defence against the King of France, but otherwise not. The Noblemen of Normandy refused his proposals, hoping to see their King again.

From thence [4] the Earl went to the King of France and did Homage to him for Normandy and the other Dominions of his Brother beyond Sea, and as it was reported, for England, and Swore he would take to Wife his Sister Alice, and then quiet Claymed or Released to the King of France Orlans, and whole Auvergn Normandy.

K k k 2

And

[6] Ibid. f. 408. b. n. 30. A. D. 1192.

[7] Ibid. n. 40. Earl John endeavors to restore the Chancellor, but the great men would not consent.

[8] Ibidem. f. 412. a. n. 20. King Richard gave the Emperor his Kingdom to gain his Liberty. He is invested by the Emperor to hold it of him by an annual tribute.

Before his death he is acquitted.
[9] Ibid. f. 408. b. n. 30. The King of France demands his Sister of the Norman Nobles.

[1] Ibid. f. 412. a. n. 20, 30. They refuse to deliver her without King Richards order.
[2] Ibidem. Earl John refuses to treat with the Norman Nobility about the Kings release.
[3] Ibid. n. 40. Unless they would accept him for their Lord, which they refuse.

[4] Ibid. He does Homage to the King of France for Normandy, &c.

And he gave him with his Sister, That part of **Flanders** he had in his possession, and Swore he would do his utmost to help him to Gain **England**, and his **Brothers** other *Dominion*.

[5] Ibid. n. 50. He returns into England and demands the Kingdom, alleging the King was dead

[6] Ibid. n. 50. The Justiciaries reject him and secure all the Ports.

[7] Ibid. n. 50. They raise an Army to oppose him.

[8] Ibid. n. 50.

[9] Ibid. n. 10.

A truce made with Earl John.

[1] Ibid. f. 413. a. lin. 1. &c.

[2] Ibid. n. 10. The King writes to his Subjects to send money for his Release

[3] Ibid. n. 30.

The price of his Redemption was 140,000 marks

Then he [5] returned into **England** carrying many strangers with him, and had the **Castles** of **Winchester** and **Wallingford** delivered to him; from whence he came to **London**; and demanded the Kingdom from the **Archbishop** of **Rothen** and the other **Justices**, (that is the *Commissioners* for the Government) of **England**, and the *Faalties* of the *Military Tenants, Vassals or Feudatories* of the Kingdom, Affirming his Brother the King was Dead. (*Deinæ ipse Comes venit Londonias & a Rothomagensi Archiepiscopo, & ceteris Justiciariis Angliæ petit sibi Regnum, & fidelitates domini Regni, affirmans, Quod Rex Angliæ frater suus mortuus erat.* But they believed him nor. And when he saw he was [6] rejected by the **Justiciaries** and *great men*, he swelled with fury, Fortified his places of Strength, and Invaded his **Brothers** Lands in an *Hostile manner*. The **Justiciaries** had so well secured the Ports as neither **French** or **Flemmings** that had promised him assistance, dare attempt to Land in **England**. They Besieged **Winchester** Castle. [7] The **Archbishop** of **York**, **Hugh Bardolf** one of the **Kings Justiciaries**, and **Sheriff** of **Northshire**, and **William de Sirebill** raise an Army in that Country, and marched to **Doncaster**, which they fortified. [8] The **Archbishop** would have gone on and Besieged **Wakehill** a Castle belonging to **Earl John**: but the other two would not Consent to it, because they were his *men* or *Feudatories*, (*quia erant homines Comitris Johannis.*)

After **Easter** the [9] **Abbots** of **Boxley** and **Robert's Bridge**, that had been sent by the **Justiciaries** to the King came Back, and reported the Agreement made between him and the **Emperor**: But the King not returning, all men wondered at his stay in **Germany**, and doubted what was become of him, and whether he would return or not. Whereupon the **Archbishop** of **Rothen** and the other **Justiciaries**, although they had forced **Earl John** to a Compliance, and even taken the **Castle** of **Winchester**; yet they made a Truce with him until the *Fest of All Saints*. [1] The **Castles** of **Nottingham** and **Wakehill** remaining in his Custody as they were before, and the **Castles** of **Winchester**, **Wallingford**, and **Ber**, were Delivered to the **Queen Mother**, and were to be Redelivered to the **Earl**, if the King returned not the mean While.

Soon after this [2] Truce the King sent to the **Archbishops**, all the **Bishops**, **Abbots**, **Earls**, **Barons**, **Cherks**, and **Free-tenants** (& **Francos tenentes**) or **Tenants** in **Capite**, and desired all the **Clergy** and **Laitie**, would give him such aid to redeem him as he might thank them for it. The **Emperor** wrote to the same purpose, and the **Pope**, who Threatned the Kingdom with an *Interdict*, unless the King were speedily freed from Prison, and wrote to the King of **France** that he would anathematize his Kingdom, unless he forbear to trouble the King of **England** while he was Prisoner. [3] The great instrument of reconciliation between the **Emperor** and King **Richard** was the **Chancellor**. (*Charissimus Cancellarius noster Willielmus Eliensis Episcopus*) as the King Stiles him in his Letter. And the price of his Redemption was *Seven score thousand Marks* of *Silver*

Silver. The **Emperor** and **Kings** [4] Letters both bear Date the 15th of **April** at **Hagenou**.

By Authority of the [5] **Kings** letters, the **Queen Mother** and the **Justices** determined that all **Clerics** and **Laites** should pay a fourth part of their **Revenues** that year for the Redemption of the King, and that they should add so much of their **Movables**, or upon their **Movables**, for which the King should Consent, or **Ken** them thanks, and upon every **Knights Fee** they charged 20 s. and ordered the **Abbys** and **Houses** of the **Cisterciens**, and the order of **Sempringham** should contribute all their **Wool** that year, and that all the **Gold** and **Silver**, the Churches were possessed of, should be brought forth and delivered for the same purpose. *Autoritate Literarum istarum* (these words follow immediately after the Date of the **Kings** Letters) *Mater Regis & Justiciarii Angliæ statuerunt, quod universi tam Clerici quam Laici quartam partem redditus sui de hoc anno darent ad redemptionem Domini Regis, & tantum superadderent, de Mobilibus suis, unde rex debet eis gratias Scire, & de unoquoque feodo Militis viginti Solidos, & de Abbatis oraniis Cisterciens, & de Domibus Oraniis Sempringham, totam lanam suam de hoc Anno, & Universum Aurum & Argentum Becklarum, sent Rex in Mandato suo præceperat.* [6] The **Gold** and **Silver** that belonged to the Churches the King only Borrowed, and his **Justiciaries** and **Barons** made Oath he should fully restore it again.

About this [7] Matter the **Chancellor** came into **England**, and in great humility went to **St. Albans**, where the **Queen Mother**, the **Archbishop** of **Rothen**, and the other **Justiciaries** (& *alii Justiciarii Domini Regis*) met him, and there produced a [8] **Golden Bull**, containing an indissoluble league between the **Emperor** and the King, and told them he came not as a **Justice**, or a **Legat**, or a **Chancellor**, but as a **Bishop** only and the **Kings Messenger**. And injoynd some **Barons** they should go with him to the King, as **Gilbert Bishop** of **Nottingham**, **Sefrid Bishop** of **Exchester**, **Benedict Abbat** of **Peterburgh**, **Richard Earl** of **Clare**, **Earl Roger Bigod**, **Grosfey de Say**, and many others.

On the 25th of [9] **June** the **Emperor** and the King of **France** had appointed a **Colloquium** or **Treaty** which if it should proceed, the King of **England** knew, they two would confederate against the **Archbishops** of **Colon** and **Benets**, and against the **Dukes** of **Lothain**, **Limburgh** and **Saponie**, and many other **Great Men**, and **Nobles**, who had conspired against the **Emperor**, for the **Bishop** of **Leige**, Brother to the **Duke** of **Lothain**, his Death, which he had contrived, and suspected, That if the **Treaty** should take effect he should be Delivered to the King of **France**. [1] After great pains, and at the instance of the King of **England** a Peace was made between the **Emperor** and great men before mentioned, and to the **Treaty** or **Colloquium** between the **Emperor** and King of **France** was Defeated.

This done the **Emperor** on the Day after **St. John Baptist** came to [2] **Worings**, where the King of **England** then was; and there was celebrated a **Colloquium** or **Treaty** between them four Days. There

[4] Ibid. f. 413. b. n. 10. How and upon whom this Sum was levied and raised.

[5] Ibid. f. 413. b. n. 10. How and upon whom this Sum was levied and raised.

[6] f. 413. a. n. 40. The Gold and Silver taken out of the Churches to be restored.

[7] Ibid. b. n. 40. The Chancellor returns into England to manage the Kings business.

[8] Ibid. n. 30.

[9] Ibid. n. 40. & f. 414. a. n. 10. A Treaty between the Emperor and King of France.

[1] Ibid. n. 30. 'tis broke off by the King of England's policy.

[2] Ibid. n. 40. A Treaty between the Emperor and King Richard

There were present the *Bishops* of those parts, the *Dukes* of *Lobain* and *Limburch* with many *Earls* and *Barons*: There were on the *Kings* behalf the *Bishops* of *Wath* and *Ely*, and on the fourth Day, that is to say on the *Vigil* or *Eve* of *St. Peter* and *Paul*, came to the *King* *William Binner*, and *Baldwin de Bretun*, and as yet they all dispaired of the *Kings* Freedom. [3] But next Day they came to a final agreement, upon these *Conditions*, That the *King* of *England* should give the *Emperor* 100000 Marks of Pure Silver according to the weight of *Colan*, and other 50000 as an aid toward his Reducing *Apulia*. That the *King* should give the *Sister* of *Arthur Duke of Britany* his *Nephew*, as wife to the son of the *Duke* of *Austria*; and that he should Deliver the *Emperor* of *Cyprus* and his *Daughter*. [4] The 100000 Marks were to be brought into the *Empire* at the Hazard of the *King* of *England*, and when they were there he was freely and Quietly to return into *England* under safe Conduct, and thus all the *Bishops*, *Dukes*, *Earls* and *Barons* there present swore on behalf of the *Emperor*. The form of this Bargain or Composition follows in the [5] same place.

So soon as the *King* of *France* heard these things, he [6] sent to *Earl John*, that he might have a Care of himself, for the Devil was got loose; who knowing he wrote it of his Brother, he passed into *Normandy*, and adhered to the *King* of *France* not Daring to expect the coming of his Brother, and soon after the *King* of *England* sent the *Bishop* of *Ely* his *Chancellor*, and *William Binner* and other wise men to the *King* of *France* to make peace with him, [7] which was done accordingly and the claims settled on both sides, in which peace there was ample provision made for the security of *Earl John* and all his Matters.

The Money was [8] Collected for the *Kings* Ransom, Twenty Shillings of every *Knights* Fee, The fourth part of all the Rents of the *Laies*, and all the *Chalices* and other Riches of the Churches, the *Bishops* Collected of their *Clerics*, of some a fourth part of some a tenth, and so it was in all the *Kings* Dominions beyond Sea, by which there was gathered together an infinite Sum of Money, and then the [9] *Emperors* *Envoyes* received at *London* the greatest part of the *Kings* Ransom, in weight and measure, and sealed it up and Delivered it to such as were to carry it to the Borders of the *Empire* at the hazard of the *King* of *England*.

The *Emperor* at this time [1] Gave unto the *King* of *England* by his *Chart*, the Country of *Provence*, *Aiana* and *Aitanois*, *Barcelonne*, *Marbon Arleblanc* and *Lions* upon the *Rhone* and as far as the *Alps*, and whatsoever he had in *Burgundy*, and the *Homage* of the *King* of *Aragon*, the *Homage* of the *Earl* of *Dillers*, and the *Homage* of the *Earl* of *St. Giles* in which Lands and Dominions there were *Five* *Archbishoprics*, and thirty three *Bishoprics*, but the *Emperor* never had them in his possession, nor would the people ever Receive a *Governor* from him.

The *King* sent into *England* [2] for his Mother *Queen Alienor*, and for *Walter Archbishop* of *Rothen*, and many others to come to him into *Germany*, and made *Hubert Archbishop* of *Canturbury* Chief

[3] Ibid. n. 5.
The Agreement between them.

[4] Ibid. b. lin. 2.

[5] Ibid. n. 10.

[6] Ibid. n. 40.
The King of France gives Earl John notice of it.

[7] Ibid. n. 50.
A Peace between England and France concluded.

[8] Ibid. f. 416, b. lin. 1. &c.
How the Money for the Kings Ransom was Collected.

[9] Ibid. lin. 7.
And paid to the Emperors Envoyes.

[1] Ibid. n. 10.
What the Emperor gave to King Richard.

[2] Ibid. n. 10. 30.
Hubert Archbishop of Canturbury made Chief Justice of England.

Chief Justice of *England*, and wrote over that the Day appointed for his Delivery and Freedom, was the first Monday, after twenty Days after *Christmas* Day.

Before the Agreement was [3] Confirmed between the *Emperor* and *King Richard*, he sent *William Bishop* of *Ely* his *Chancellor*, and others into *France* to his Brother *Earl John*, and so effectually dealt with him, That he returned into *Normandy* and swore Fealty to the *King* his Brother against all men, and the *King* commanded that all the *Castles* belonging to the *Honors* he had given him, should be Delivered to him; as well in *England* as beyond Sea. But those who had them in Custody would not deliver them upon the Writ. Whereupon in Anger he went back to the *King* of *France*, and staid with him; and he gave him the *Castles* of *Dientcourt*, now *Dancourt*, and *Arreces*, which should have been delivered to *William Archbishop* of *Remes*.

King Richard was to [4] remain at *Spire* until the time of his delivery, and to that City came the *Emperor* with the *Archbishops*, *Bishops*, *Dukes*, and *Great Men* of his *Empire*; and when they had Treated a long time about the Freedom of the *King* of *England*, Thither came *Envoyes* from the *King* of *France* and *Earl John*, and offered from the *King* 50000 Marks to the *Emperor*, and from the *Earl* 30000 upon condition he might be kept prisoner until *Michaelmas* following, or if the *Emperor* had rather, they would give him a thousand Pounds a Month so long as he should keep him Prisoner; or if it pleased him better, the *King* of *France* would give him 100000 Marks and *Earl John* 50000 to deliver him Prisoner into their hands, or at least that he would keep him one year; upon these Offers the *Emperor* put off the Day of his Liberty, and ordered it to be upon the Purification of *St. Mary* at *Antis*.

At that Day and place [5] *Henry Emperor* of the *Romans* with the *Great Men* of his *Empire*, and *Richard King* of *England*, with his Mother *Queen Alienor*, and *Walter Archbishop* of *Rothen*, *William Bishop* of *Ely* his *Chancellor*, and *Sabarie Bishop* of *Wath* met and held a Council about the Liberty of the *King* of *England*. The *Emperor* out of Covetousness tempted with the money the *King* of *France* and *Earl John* offered, would have gone from his Agreement, and calling for their *Messengers*, amongst which, was *Robert Duinant* Brother to *Hugh Bishop* of *Cobentry*, he gave the *King* of *France* and *Earl John* Letters, which they wrote against his Liberty, to the *King* of *England* to read, at which he was much troubled and confounded dispairing of his Freedom. He by his friend and Counsellor *Sollicites* the *Archbishops* of *Antis*, *Colan*, and *Sareburgh* (who this *Archbishop* was I find not, unless *Crepes* or *Crier* had ever that name) the *Bishops* of *Worms*, *Spire*, and *Lege*. The *Dukes* of *Suabia* the *Emperors* Brother, of *Austria*, and *Lobain*. The *Earl* *Matatin* of the *Rhene*, and other *Great Men* of the *Empire*, who were *Mediators* or *undertakers* for the *Emperor* upon the Agreement between him and the *King* of *England*, who boldly went to him, and rebuked him for his Covetousness, and for that he would so impudently run back from his Bargain. (*Qui ita impudenter a patto suo resiliere volebat*) and wrought so effectually with him, as he Freed

[3] Ibid. f. 417. a. lin. 1. &c.
Earl John swears Fealty to King Richard.

[4] Ibid. n. 20. 30.
A. D. 1194

The King of France and Earl John offer the Emperor 100000 Marks to keep King Richard prisoner.

The Emperor prevailed upon to differ his Release.

[5] Ibid. b. lin. 30. 40.

The King of France and Earl John letters given to King Richard to read.

The Emperors Mediators rebuke him for his Covetousness.

[6] Ibid. n. 50.
He thereupon consents to King Richard's release.

A. D. 1194.
Robert Muntant refuses to be pledge for the King.

[7] Ibid. f. 418. a. l. n. 4.

[8] Ibid. n. 10.
The Emperor writes to Earl John to restore King Richard all his rights and possession.

[9] Ibid. n. 30.
King Richard's generosity to the German Bishops, and Nobility.

He is conducted to Antwerp and from thence came to Sandwich.

[1] Ibid. n. 40. 50.

The Insolence of one of Earl John's Servants.

He is apprehended, and Earl John designs are discovered.
[2] Ibid. b. l. n. 4. 5. 6. 7.

Earl John diseized of all his Tenements in England.

Freed the King from his imprisonment [6] he giving *Walter Archbishop of Rouen, Sabarie Bishop of Bath, and Baldwin Bishop of Exeter*, and many other sons of his *Earls and Barons hostages*, or *Pledges* for the Residue of his Ransom Money unpaid, and that he should keep peace to the Emperor his Empire and all his Dominions, and the *Archbishops of Sens, and Colon* Delivered him free into the Hands of his Mother *Alienor*, on the fourth of *February*. The King asked *Robert Muntant* to be a *Pledge* for him, he answered he was *Earl John's Man or Vassal*, and therefore would not be *Pledge* for him. Respondit [7] *Quod esset homo Comitum Johannis, & ideo noluit pro ipso oves esse*, for which answer the King caused him to be taken, and imprisoned.

The same Day the [8] Emperor, the *Archbishops, Bishops, Dukes and Earls of the Empire*, by their common Writing to which they put their Seals, sent to the King of France and *Earl John*, that presently upon sight thereof they should deliver to the King of England the *Castles, City's, Fortresses, Towns, Lands*, and whatsoever they had taken from him while he was the Emperor's Prisoner, and if they did not, to let them know they would help him to recover what he had lost. [9] Hereupon, King Richard, by his *Chart's* granted to several *Archbishops, Bishops, Dukes, Earls, and Barons*, and others of the Empire annual *Rents or stipends*, for their *Homages, Fealties, and aids or assistance* against the French King, and received the *Homage* of the *Archbishops of Sens and Colon, of the Bishop of Liege, the Dukes of Austria, and Lobain, the Marquess of Montserrat, the Duke of Lembourg and the Duke of Swabia the Emperor's Brother, of the Earl Palatin of the Rhene, the Son of the Earl of Hainault, of the Earl of Holland and many others*, saving their *Fidelity* to the Emperor, who gave the King a safe conduct or *Pass-port* to Antwerp, where he was under the protection of the Duke of Lobain; from thence he came to England and landed at *Sandwich* on the 13th of *March*.

Not long before the Kings [1] Arrival, one *Adam of St. Edmund*, a *Clerc* and servant to *Earl John* was sent by him into England, with Letters and Directions, That his *Castles* should be fortified against his Brother. He came to London and went to the Palace of *Hubert Archbishop of Canturbury*, and dined with him, where he boasted much of the prosperity of his Master, and the intimacy he had with the King of France, telling that he had given him the *Castles of Darentur and Arches*, which should have been given to the *Archbishop of Rheims*, and talked at a great Rate what his Lord could do if he had but *Faithful Men*. His bragging discourse much exasperated the *Archbishop* and all that heard him, but for the Defence to the Table he was not apprehended; But after Dinner in his Inn the *Major of London* took him, and all his *Briefs or Commissions*, which contained all *Earls John's* design, and delivered them to the *Archbishop of Canturbury*, [2] who on the Morrow called before him the *Bishops, Earls, and Barons* of the Kingdom, and shewed them those Letters, and declared the *Tenor* of them, and presently it was Determined by the *Common Council* of the Kingdom, That *Earl John* should be diseized of all his *Tenements* in England, and that his *Castles* should be besieged, & statim per Commune Consilium Regni

definitum

Definitum est, Quod Comes Johannes Dissideretur de omnibus Tenementis suis in Anglia, & ut Castella sua obsiderentur, & factum sit ita and so it was done.

The same Day [3] *Archbishop Hubert, the Bishops of Lincoln, London, Rochester, Winchester, Worcester, and Hereford, and the Bishops of Exeter*, and many *Abbats and Clerics* of the Province of *Canturbury*, came together and *Anathematized Earl John*, and all his *Abettors and Advisers*, which had or should Disturb the Peace of King and Kingdom, unless they laid down Arms and gave satisfaction.

All to whom the [4] Reducing of his Castles was Committed went into the Countries in and near where they were, and levied Forces. The *Bishop of Durham*, went into *Yorkshire and Northumberland*, raised an Army and besieged *Wakehill*, *Earl David* the King of *Scots* Brother, *Ranulph Earl of Chester*, and the *Earl Ferrers* Besieged *Nottingham*, and the *Arch-Bishop of Canturbury* with a great Army Besieged *Derleturgh, Lancaster, and St. Michaels Mount* in *Cornwall*. The three last Castles were Rendred presently, [5] the two former not until the Kings Return, for the *Constables and Defendants*, would not believe the King was in England, until they sent out some of their own Company, to see whether it were so or not, who saw the King at Dinner in the Siege, and assuring them it was so, they delivered the *Castles*, and put themselves in the Kings Mercy for Life and Limbs, and terrene honor. * *Nottingham* Castle was delivered on the twenty eighth day of *March*.

And on the [6] Thirtieth Day of *March* King Richard held the first day of his Council at *Nottingham*, (*Tricesima Die Mensis Martii Richardus Rex Angliæ celebravit primum Consilium sui Domini apud Nottingham*) where were present *Alienor the Queen Mother, Hubert Archbishop of Canturbury* who sat on the right hand of the King, *Geoffrey Archbishop of York* who sat on the left hand, *Hugh Bishop of Durham, Hugh Bishop of Lincoln, William Bishop of Ely the Kings Chancellor, William Bishop of Hereford, Henry Bishop of Worcester, Henry Bishop of Exeter, and John Bishop of Bathorn* in *Scotland*. *Earl David the King of Scots* & Brother, *Hamelin Earl of Warren, Ranulph Earl of Chester, William Earl Ferrers, William Earl of Salisbury, and Roger Bigod*.

The same day the King diseized [7] *Gerard de Camvill, of the castle and Sherefwic of Lincoln* (eodem die Rex dissidit Gerardum de Canbilla de Castello & Vicecomitem Lincolnensi) and *Hugh Bartholp* of the *Sherfwic of Yorkshire* and the *Castles of York and Scarborough*, and the Custody of *Walesmerland*, and exposed them all to Sale. The *Chancellor* offered ready money down, for the [8] *Sherfwics of Yorkshire, Lincolnshire and Northamptonshire* 1500 marks, and an hundred marks every year for each of them. [9] *Geoffrey the Archbishop*, bad three thousand marks for the *Sherfwic of Yorkshire* only, and 100 marks by the year, and obtained it, by which means he was made the Kings Servant, and subjected himself to his power.

[1] Ibid. n. 10.
He, his Advisers, and Abettors Excommunicated.

[2] Ibid. n. 10, 30, 40, &c.
His Castles and Towns in England Besieged.

[5] Ibid. & f. 419. a. n. 109. 0

And Surrendered to the King.
* Ibid. l. n. 18.

[6] Ibid. n. 10, 30.
A. D. 1194.
King Richard Held a great Council at Nottingham. Who were the Constituent parts of it.

[7] Ibidem
Gerard de Camvill, and Hugh Bartholp diseized of their Castles & Sherefwics.
[8] Ibidem.
Geoffrey Archbishop of York out bids the Chancellor for their Sherefwics.
[9] Ibid. n. 4.

The second day of the Council.
[1] Ibidem.
The King demands Judgment against Earl John, and Hugh Nunant Bishop of Coventry.

[2] Ibid. n. 50.
The Council gives Judgment against both.

[3] Ibidem, b. lin. 1.
The third day of the Council.
An Ayl ordained to be Levied.
[4] Ibid. l. 3.

[5] Ibid. l. 4.

[6] Ibid. l. 6.
The fourth day of the Council.

Gerard de Camvill accused for Harboring Thieves,
and appealed of Treason.

[7] Ibid. n. 10.
His Answer to his Accusation.

The Thirty first day of March, was the Second day of the Kings Council, (*Tricesima die Martii Rex Anglie celebravit secundum diem Concilii sui*) in which he required Judgment to be given of Earl John his Brother, who contrary to the Fealty he had Sworn to him, had seized his Castles, Destroyed his Dominions as well in England as beyond Sea, and had made a League with his Enemy the King of France. He also demanded Judgment of Hugh Nunant Bishop of Coventry, who Conscious of his secrets, Deserted him, and adhered to his Enemies Earl John and the King of France, and contrived all the mischief he could against his Government or Kingdom. And it was [2] adjudged They should be peremptorily Cited; and if within forty days they appeared not, nor stood to the Law, They judged Earl John had forfeited the Kingdom (That is, he ought not to return into the Kingdom) and That the Bishop of Coventry was to be judged by the Bishops as he was a Bishop, and by Lay-men as he was the Kings Sherif. *Judicaverunt Comitum Robertum Demervisse Regnum, & Episcopum Conventrentem subiacere Judicio Episcoporum, in eo quod ipse Episcopus erat, & Judicio Laicorum in eo quod Vicecomes Regis existerat.*

On the first of April, the King held the [3] third day of his Colloquium, in which he Ordained, there should be given him of every Plough-land, of all England two-shillings (*Kalendis Aprilis Rex Anglie celebravit tertium diem Colloquii sui, in quo Constituit sibi Dari de unaqueque carucata terra duos solidos*) [4] Then he commanded every one should perform the third part of his Military Service, according to what every fee would bear, and should go with him into Normandy. After that he [5] required of the Cistercian Order all their Wool of that year: but because the Demand was grievous and importable, they made a pecuniary fine or Composition.

The Second day of April was the [6] fourth and last day of his Council. (*Secunda die mensis Aprilis celebravit diem quartum & ultimum Concilii sui*) in which many Clerics, and Laics Complained of the Rapin and unjust Exactions of the Archbishop of York, but he gave them no Answer. Then by the advice of the Chancellor (as it was said) Gerard de Cambill was accused for receiving Thieves, who had robbed the Merchants going to Stanford Fair. That they came from him when they did the Robbery, and returned to him after it was done: further they appealed him of Treason, because he would not appear upon the Summons of the Kings Justice, nor stand to the Law concerning the receiving of the Robbers, nor would bring them to Justice. (*Præterea appellaverunt eum [7] de Lesione Regie Majestatis, in eo quod ipse advocacionem Justitiarum Regis venire noluit, nec Juri stare, &c.*) His Answer was, he was Earl Johns Man, or Feudatarie Vassal, and would stand to the Law in his Court. (*Respondet se esse dominum Comitum Roberti & velle in*

* They called Merchants then such as our ordinary Tradesmen are now that keep Fairs and Markets, especially the better sort of them.

Curia

Curia sua Juri stare) he was also accused that he was with Force in the assistance of Earl John and other the Kings Enemies when the Castles of Nottingham were surprized. Gerard denied all things, and his accusers gave security of Prosecuting, and he of Defending himself, by one of his Free-men.

On the same day the King [8] declared the day of his second Coronation to be on the Close of * Easter at Winchester, and on that day went to Chipson in the same County to meet William King of Scots, who as they Journyed together toward Winchester, Demanded of the King the Dignities and Honors his Predecessors had in England, and also Demanded the Counties of Northumberland, Cumberland, Westmerland, and Lancaster to be restored to him, as the right of his Predecessors. The King [9] answered him he would satisfie him by advice of his Earls and Barons. They staid at Northampton on the tenth and eleventh of April, where the King having deliberated and advised with his Bishops, Earls, and Barons; (*Rex habito cum Episcopis & Comitibus & Baronibus suis cum Deliberatione Consilio Responder &c.*) gave him this Answer, That as to his Demand of Northumberland, he ought not then to have made it, when all the Princes of France were become his Enemies, for if he granted it, it would seem he did it out of fear, and not out of Affection.

Yet the King [1] then by his Chart granted to him and his Heirs for ever in the presence of the Queen Mother, Hubert Archbishop of Canturbury, Hugh Bishop of Durham, Jocelin Bishop of Glouc, and many other Clerics and Laics of both Kingdoms. That when ever they were summoned to the King of Englands Court, The Bishop of Durham and Sherif of Northumberland should receive him at the River Tweede, and bring him to the River Teise, and there the Archbishop of York, and Sherif of Yorkshire, should receive and conduct him to the Borders of that County, and so the Bishops of the Diocess and Sherifs should Conduct him from County to County, until he came to the Kings Court. And from the Time he Entred England, he was to receive every day of the Kings Purse an hundred Shillings (*de Liberatione*) of allowance or Livery; and after he came to the King, and so long as he staid there, he was to have every day, (*de Liberatione*) of Allowance thirty Shillings, and twelve of the Kings fine Loaves or Cakes, (*duodecim Wanellos Dominicicos*) and twelve of the Kings Biscuits, or Simmel Loaves, made of fine Wheat flower and twice baked, (*duodecim Simmellos Dominicicos*) and four Gallons of the Kings Wine, and eight Gallons of Ordinary Wine; and two pounds of Pepper, and two pounds of Cumin; and two Cakes of Wax weighing each eight or twelve pounds, (*& duas pectas de Cera,*) and four wax Candel, and fourty great long Candel of the Kings Candel, (*& quadraginta longos grossos Colpones de Candela Dominica Regis*) and fourscore Ordinary Candel, and when he returned into his Country, he was to be conducted by the Bishops and Sherifs to the River Tweede; and to be allowed an hundred Shillings a day. This Charter was [2] Delivered to William King of Scots at the Town of Northampton on the 12th of April 1194. being Easter Tuesday, by the hands of William Bishop of Ely the Kings Chancellor: * On the 15th the King came to Winchester, and Disseised Godfrey the Bishop of the Castle and County of Winchester.

[8] Ibid. n. 20.
* Easter Day was this year on the tenth of April. What the King of Scots Demands of King Richard were [9] Ibid. n. 30.
King Richards Answer.

[1] Ibid. n. 40.
* His Grant to the King of Scots.

[2] Ibid. f. 40.
* Ibid. n. 30.
Godfrey Bishop of Winchester dissatisfied.

ton, and the two Maners he had bought of him before his Expedition to Jerusalem, and the greatest part of his Patrimony.

[1] Ibid. b. n. 20.

After the Coronation [3] on the 19th of this month Hugh Bishop of Durham on his own Accord would have Delivered to the King the County of Northumberland, with the Castles and other Appurtenances. The King ordered him to deliver them to Hugh Bardolf. The King of France offered 15000 Marks for them, saying his Father and his Brother Malcolm held them of the Gift of King Henry the Second, he might have had the County without the Castles for that money, but refused it.

[4] Ibid. n. 30.

The Prisoners taken in Earl John's Castle were some imprisoned, and others gave security.

[5] Ibid. n. 40.

An Agreement made between the Archbishop of York and the Chancellor.

The Prisoners [4] that were taken in Earl John's Castles were brought to Winchester, where the King caused the better sort of them to be Imprisoned, That they might compound or be fined, and the others gave security every one in an hundred marks, for Appearance upon Summons in the Kings Court, and standing to Judgment there.

On the 24th of April [5] the King made Peace and final Concord between the Archbishop of York, and the Bishop of Ely his Chancellor, concerning all Controversies had happened between them, as well about the Archbishops Imprisonment at Dover, as the Chancellors being forced out of England, so as he when he was called to it by the Archbishop should Swear with an hundred Priests his Compurgators (*cum centesima manu sacerdotum iurabit*) That he neither Commanded nor desired he should be imprisoned.

[6] Ibid. n. 50.

& f. 441. a. n. 10. The King and his Mother pass over to France. He raises the Siege of Veruill, and repairs its breaches.

That day [6] he and his Mother went to Portsmouth to pass beyond Sea, but Shipped not themselves until the 12th of May, and withan hundred great Ships laden with Warriors, Horses, and Arms, and landed at Barfleet; The King of France had besieged Clermont Eighteen days, and when he heard of his Arrival, fled; the King of England came thither and repaired and strengthened the Breaches and weak places.

[7] Ibid. n. 20.

He and Earl John are made friends.

[8] Ibid. b. n. 10, 20.

The two Kings ravage and burn each others Country.

Earl John [7] by the Mediation of his Mother came to his Brother, and they were made friends, but the King would neither restore him to Castle or Lands.

Commissioners [8] on both sides were appointed and met, but could not agree about a Truce: So as afterward the two Kings destroyed one anothers Countrys with Rapin and Burning more then before. The King of France came to Eureux and totally destroyed and pulled down that City with the Churches, not sparing Age or Sex, and carrying away the Reliques of the Saints. And this he did because the Citizens had left him, and returned to the Faith and Service of their Lord the King of England. From thence he marched with his Army to Fretebal, and the King of England that he might be near him, and attend his Motions came to Wendosme. He had been there but one night, when the King of France next morning sent him word, that day he would visit him with his Army: The King of England Joyful to hear the News, told the Messenger he would expect him, and if he did not, That next morning he would visit him with his Army. The King of France was not so good as his word; There-

Therefore next morning early, the King of England marched toward him, he having notice of it, fled with his Army in such haste, as many of it were killed and taken, all the [9] Wagons and Baggage fell into the Hands of the English, and much Treasure; the Kings portable Chappel was there taken, and the Chariots of all the Pen or Vassals of the King of England, by which they gave themselves up to the service of the King of France and Earl John, against him, (*& Charta uniuersorum Dominum Regis Anglie, qui se dederunt Regi Francie, & Comiti Johanni, contra eum*). He pursued the King of France, but not finding him, returned to Wendosme with great Booty of Men and Horses, and very much Money. (*Rediit Wendosmum cum præda magna hominum, & Equorum, & pecunia magna*). [1] From thence he went into Poitou, and subdued Geoffrey de Barne, and the Vassals of Engolelm, who had declared for the King of France and Earl John.

Upon this success followed a [2] Truce for one year, agreed on by Commissioners on both sides, Dated the 23d of July 1194. The particulars are long and tedious, and not much to our purpose now. They are to be found in Hoveden, f. 422. a. b. When the [3] King was beyond Sea, Hugh Bardolf demanded the County of Northumberland, Newcastle upon Tyne, and the Castle of Bamburgh of the Bishop of Durham, which he had promised the King to deliver; he delayed to do it while a Messenger he had sent to the King returned, by whom he offered him 2000 Marks for the County and those Castles. The Messenger brought Letters to Hugh Bardolf, that if the Bishop gave security for the 2000 Marks he should deliver him, the County and Castles. When he had the Kings Letters, he told the Bishop if he would have him execute the Kings Command, he was to Deliver him the County and Castles First, and then he would redeliver them as the King Commanded. The Bishop replied there was no need of that, because he had them in his possession. Hugh Bardolf sent the King his Answer, upon which he commanded the Bishop should be disseized of the County and Castles, and that he should pay the 2000 Marks; he also in his fury commanded he should be Disseized of the Maner of Sadbergh, with the Knights Fees and Wapentack, which he had by his Charte granted to the Church of Durham in pure Alms, (*& factum est ita*) and so it was done.

About this Time, [4] The Canons of York complained to Hubert Archbishop of Canterbury, the Kings Justiciary, of several Injuries they had received from their Archbishop; he by the Royal Authority which he received sent to York Earl Roger Bigod, William de Warenna, William de Strutevilla, Hugh Bardolf, William Buer, Geoffrey Pagen, and William Fitz Richard a Cleric, to hear and determine according to right the Controversie between them. They heard the Accusations and the Bishops Answer, and Answers of such as belonged to him, and caused his Men that were accused of Robbery to be imprisoned, and although he warranted what they had done, he could not Bail them, præcepunt homines Archiepiscopi qui calumniari fuerant de roberbia capi & incarcerationi; & quatenus Archiepiscopus opera eorum warrantizaret, non tamen potuit eos plegiare. Then they summoned him to come and hear Judgment, and because he would not, they Disseized him of all his Maners Except B. pon where he was

[9] Paris, fol. 176. n. 50. Hoved. f. 421. b. n. 40.

The King of France flees, and leaves his Camp a prey to the English.

[1] Ibid. n. 50.

& f. 422. a. lin. 1. 2. 3. King Richard pursues his victory with success.

[2] Ibid. n. 10. A Truce made for one year.

[3] Hoved. f. 413. a. n. 10. Hugh Bardolf demands of the Bishop of Durham.

[4] Ibid. n. 20. 30. The Canons of York their Complaint against their Archbishop.

Commissioners sent by Hubert to determine the Controversie.

[4] Ibid. n. 20. 30.

The Canons of York their Complaint against their Archbishop.

Commissioners sent by Hubert to determine the Controversie.

The Archbishop disseized of his Maners, and the Canons are restored.

was then withdrawn, and caused the *Canons* to be placed again in their Stalls, of which he had dispossessed them, and at their Departure put the *Archbishop*, and *Sheriff* of *Yorkshire* under the *Custody* of *William Scurebil* and *Geoffrey Paget*.

In September the King sent *Itinerant* or *Grant Justices* through every County of *England*: The form of proceeding then used in *Pleas* of the *Crown*, and the *Articles* or *Heads* of such *Pleas* are to be found in the [5] *Appendix*, where they are translated, for the advantage of such as might not otherwise clearly understand them; who desire to know the Difference between the *Ancient* and *Modern Pleas* of the *Crown*, and the *Institution* of *Itinerant* or *Circuit Justices*.

At the same time the King [6] Directed several *Articles* to the *Justices Itinerant* about the *Jews*. That all their *Debts* and *Pawns* should be inventoried; and all their *Land*, *Rents*, and *Possessions*; and if any *Jew* concealed any of these matters, he should forfeit his Body (which is, should be imprisoned) and the Concealment (That is, what they had concealed) and all their *Possessions* and *Goods*: Nor should it be lawful for any *Jew* to recover the concealment; That is, to have it restored. That six or seven places should be allowed where the *Jews* should lend their *Money*, and take *Pawns*, and there should be two *Legal Christians*, and two *Legal Jews*, and two *Legal Scribes* appointed, before whom and the Clerics of *St. Maries Church*, and *William de Chimell*, the *Money* lent upon the *Pawns*, and the *Pawns* taken should be transcribed, and that the *Charts* of the *Money* lent and *Pawns* taken should be in form of a *Chirograph*, and one part should remain with the *Jew*, sealed with his *Seal* that Borrowed the *Money*, and the other part to remain in a *Common Chest*, to which there were three *Locks*, of which two *Christians* were to have one *Key*, and two *Jews* another, and the Clerics of *William* of *St. Maries Church*, and *William de Chimell*, the *Third*, and besides those *Locks*, three *Seals* were to be affixed by those that kept the *Keys*, and that the Clerics of *William*, and *William* should have a *Transcript*; and as the *Charts* were changed, the *Roll* was to be changed. For every *Charter* three pence was to be paid, half from the *Jew*, and half from him that Borrowed the *Money*: of which the *Scribes* were to have two pence, and the *Keeper* of the *Roll* one penny, and for the future no security should be given, or *Pawns* taken, nor no payment made to the *Jews*, nor no changing of *Charts*, but before the foresaid persons, or the *Major part*, if all could not be present; and that the two *Christians* should have one *Roll* of the *Payment* of the *Jews* to them for the future, and that the two *Jews* should have one, and the *Keeper* of the *Rolls* one. Also every *Jew* was to swear upon his *Roll*, (he did not believe the *Gospels*) That he would cause all his *Debts*, *Pawns*, and *Rents*, and all his things and possessions to be inventoried; and that he would conceal nothing, and if he knew any thing another man concealed, he would reveal it to the *Justices* sent about that *Affair*; and that he would discover all *Falsifiers*, and *Forgers* of *Charts*, all *Clippers* of *Money*, where-ever he knew them. Furthermore, *Inquisition* was to be made, what the *Kings Bayliffs* had taken or *Exacted* as well his *Justices*, *Sheriffs*, *Constables*, and *Foresters*, as their servants, after the first *Coronation* of the *King*, and why these prises were taken, and by whom, and of the *Chartels* or *Goods* offered, *Gifts*, and *Promises*.

misses made; by occasion of the Seisin made of the Lands of Earl John, and his Favorers, who received them, and what; and the Delay they required by the Archbishop of Canterbury, then Justiciary of the King.

The King [7] all this while was in France, and having finished his business in *Normandy* according to his desire, returned into *Angou*, and forced all his Officers to a Composition; and did the like in *Britany*; and from [8] thence coming into *Normandy*, took it ill; whatever had been done in the late *Trouble*; and imputing it to the ill Management of his *Chancellor*, took his *Seal* from him, and made a new one, and sent into, or caused it to be published in all his *Dominions*, That nothing should be firm or of force, that had been sealed with his old *Seal*. And commanded that all who had *Charts*, should come and renew them on his new *Seal*.

The King then [9] ordered there should be *Tournaments*, that is, *Things*, and *Reats* of *Arms*, shewn in *England*; and by his *Chart* constituted is: So as every one that would tilt on *shew* Reats of *Arms*, should pay according to the following Rates; An *Earl* for a *License* of *Tilting* Twenty Marks of *Silver*; a *Baron* Ten Marks of *Silver*; every *Knight* that had Land Four Marks of *Silver*; every *Knight* that had no Land Two Marks of *Silver*; And he commanded, That no *Knight* should be admitted to the place of *Tilting*, unless he first paid down his *Money*. The *Chart* of this *Grant*, the *King* gave to *William Earl* of *Salisbury* to keep; and *Hubert Walter* the *Kings Chief Justice*, appointed *Cicobald Walter* his *Brother* Collector of this *Money*.

[1] The *Archbishop* of *York* went into *Normandy* to his *Brother*, and was reconciled to him for 2000 Marks. [2] And also pardoned his *Brother John*, and restored him the *Earldom* of *Wiltshire*, the Honor of *Exeter*, and *Earldom* of *Gloucester*, with every thing belonging to them, except the *Castles*; and in lieu of his other *Earldoms* and *Lands*, he allowed him 8000 *l.* of *Angou Money*. The same year he pardoned *Hugh Bishop* of *Exeter*, [3] and restored his *Bishopric* for 5000 Marks of *Silver*: And that year *Hubert Archbishop* of *Canterbury* at the *Kings Request* was made the [4] *Pope's Legat* of all *England*.

The next year there happened a *Dissension* amongst the [5] *Citizens* of *London* about an *Aid* imposed upon them. [6] *Matthew Paris* says it was a *Tallage* exacted of them by the Officers of the *Kings Exchequer*. The *Rich* and best *Citizens* to spare themselves, left the whole or the greatest part of it upon the ordinary People. A certain Lawyer called *William* with the *Beard*, the son of *Osbert*, became the *Advocate* of the ordinary People, and would have had the *Tallage* paid equally, according to the *Estates* and *Abilities* of the *Citizens*, and passed beyond Sea to the *King*, and obtained of him that the ordinary People should be freed from it. *Hubert* the *Archbishop* and *Kings Justiciary* was much moved at it; and commanded that where any ordinary *Citizens* were found out of the *City*, they should be taken as *Enemies* to the *King* and *Kingdom*. At *Stanford Raynham* Lane (some of the ordinary *Traders* of *London*) were taken by the *Kings Justices* *Wattans*, who also commanded

[7] Hoved, f. 422. n. 30. The King forces his Officers to a Composition. [8] Ibid. b. lin. 1. 3. &c. The Seal taken away from the Chancellor, and a new one made. [9] Ibid. n. 10. These Heliotes or Tilting were brought out of France, and probably before this time, but I find it at all used in England. What was paid for License of Tilting? And to whom it was paid. [1] Ibid. f. 428. n. 240. The Archbishop of York is reconciled to the King. [2] Ibid. f. 428. n. 240. Earl John is pardoned by the King, and is restored to his Honors and Possessions. [3] Ibid. f. 428. n. 240. Hugh Bishop of Exeter is pardoned. [4] Ibid. n. 30. And restored to his Bishopric for a Sum of Money. [5] Ibid. n. 40. Hubert the Archbishop made the Popes Legat. [6] Ibid. f. 135. b. n. 2. [7] Ibid. n. 30. A Dissension among the Citizens of London about paying an Aid or Tallage. That

That **William** with the **Beard** should be taken, and brought before him. One **Geoffrey** a Citizen was sent to take him, whom he killed; and when others would have taken him, he fled with some of his Company, and shut themselves up in **Bow Church** in **Cheapside**; and when they would not come out, there was force used, yet they would not render themselves, but defended the Steeple, where by Command of the **Archbishop** a Fire was made under them, and so they were smoaked out; and **William** with the **Beard** was taken, and carried to the **Tower**, and there judged to be Hanged; and was drawn through the City to the Gallows, and there Hanged with eight of his Companions; and the other Citizens that were in the same Tumult or Riot, cast themselves upon the Kings Mercy, and found Sureties for the Peace.

The **Archbishop** as he thought [7] was over-burthened with the Care of the Government of the **Church** and **Kingdom**, and therefore made it his request to the King to ease him of the Secular Government: He was very unwilling to do it, as knowing there was not one like him for the Preservation of the Laws and Rights of the Kingdom or Government. But he repented, and having looked into the Rolls of Accounts, he let the King know, That the last two years only, he had out of the Kingdom of **England**, procured to his use, Eleven * Hundred Thousand Marks of Silver: and added, That if he thought his Service necessary, and it was his pleasure he should still serve him, he would not refuse the Labor notwithstanding his Age.

In the year 1197. **King Richard** made an **Assize** of Measures, (*Assisa De* [8] *Menfuris facta per Richardum Regem Angliæ.*) He appointed one Measure throughout all **England** for all sorts of Grain, as well in Cities and Boroughs, as without. Also, That the Measures of Wine and Ale, and other Liquors, should be the same all the Nation over, according to the Diversity of Liquors. And the Weights to be the same, according to the Diversity of Things Weighed. And all Measures were so to be secured as they could not be falsified. He ordered, That all Woollen Cloaths where ever they were made should be of the same Breadth, that is, Two Ells within the Lists. And that the Ells should be made of Iron. He also ordered there should be Four or Six, according to the largeness of the City or Borough, assigned in every City or Burgh, who should see and search, That all things were sold according to these appointed Measures and Weights: And if they found any one that confessed, or was convicted, of selling by other Weights and Measures than by those appointed; he was to be imprisoned, and all his Goods to be seized into the Kings Hands. If the Keepers of the Assize were negligent, and were convicted before the Kings Justices, they were to be in the Kings Mercy concerning their Goods. And he commanded, That no Man in any County after the Feast of Purification, should sell any thing but by the Measure prescribed: Nor that any Man after the Fay at **Stratford** in **Mid-Lent** should sell any Cloath that was not Two Yards within the Lists.

The year following **King Richard** desired of the [9] Feudataries or Military Men of **England**, by **Hubert Archbishop** of **Canterbury**, (*Richardus Rex Angliæ per Hubertum Cantuariensem Archiepiscopum petit, ut homines Regni Angliæ invenirent et, &c.*) That they

they would find him 300 Horse (*trecentos milites*) to remain in his service for one year, or that they would let him have so much money as would maintain so many Knights & milites) and give them for their Livery or Wages (*de Liberatione in die*) every day three shillings of English money. All present (not daring to deny it) consented to the proposition, except **Hugh Bishop** of **Lincoln**, least for the future it might do injury to his Church.

The same year the King took an **Ayd** of [1] five shillings of every Carucate or Hyde in **England**, (*Eodem Anno Richardus Rex Angliæ accepit de unaquaque Carucata terre sive Hyda totius Angliæ quinq; solidos de auxilio*); and sent into every County, one Cleric and one Knight to Collect it, They were Directed to the Sheriff, which three, with certain legal Knights chosen for that purpose, and Sworn faithfully to Execute the Kings Business, caused to come before them the Stewards of the Barons of that County, and the Lord of every Town, or the Baylif of the Town, and the Reeve with four lawfull men of the Town, whether Free-men or Rustics (*sive liberos, sive Rusticos*) and two of the most legal Knights of the Hundred who did Swear, and faithfully Discover how many Plough-Tilths there were in every Town, how many in Demeasns, how many in Villanage, (*Quot in Dominico, quot in Vilenagia*) how many the Religious held in Alms, and what Services they did for them. And upon every Plough-Tilth they imposed first two shillings, then three shillings, and inrolled them all; whereof the Cleric had one Roll, the Knight another, the Sheriff a third, and the Barons Steward a fourth. The money was Received by two Knights, and the Baylif of every Hundred, and they answered it to the Sheriff, and he according to his Roll answered it at the Exchequer before the Bishops, Abbats, and Barons, assigned for that purpose.

The [2] punishment appointed for such as concealed any thing against their Oath was, if he was a Rustic, That is a Villan (*sive Rusticum Convictus fuerit*) he was to give his Lord the best Oxe in his plough, and pay as much of his own to the Kings use, as by his Perjury he had Concealed. If a Free man was Convicted, he was in the Kings Mercy, and was to answer as much of his own to the Kings use as he had Concealed. It was also ordained that the Barons with the Sheriff should Distrein their Tenants, and if they did not, so much should be taken upon their Demeasnes, as the Tenants were in Arrear. All free fees, That is Maners and Military fees belonging to Parochial Churches, and Serjeants, which were not settled upon Knights Fees were excepted out of this Ayd, yet the names of the Serjeants and the value of their Lands were inrolled, and they were Summoned to be at **London** 15 Days after **Whitsunday** to hear and do the Kings Command. According to the Estimation of legal men, they which were to give in the Number of Plough-Tilths, allowed to every one an Hundred Acres.

The Monks of the holy Trinity in **Canterbury** not well pleased with some of **Arch-Bishop Huberts** Actions, [3] sent some of their Number to **Rome** and complained to **Pope Innocent**, That contrary to his Order and Dignity he was Justiciarie of the Kingdom, and a Judge in Causes of Blood, and so involved in Secular Business, That

The Kings Feudataries find 300 Horse, or as so much as would maintain them.

[1] Ibid. f. 442. b. n. 30. A. D. 1198. The King takes an Ayd of every Hyde in England. Who were appointed, and the Manner how it was Collected.

[2] Ibid. 443. a. n. 10. Penalties inflicted upon Concealers against their Oath.

What Fees were excepted out of this Ayd.

A. D. 1198. [3] Ibidem. n. 30. A complaint made to the Pope against Archbishop Hubert by the Monks of Canterbury.

he could not but neglect the Affairs of the Church. Particularly they accused him, That the Peace or Sanctuary of the Church of St. Mary del Arch, or Bow Church London, was violated by his precept, and that William with the Beard was violently taken out thence with nine of his Companions, adjudged to Death, and tyed to Horse Tayles, Drawn to the Gallows and Hanged.

Upon this Complaint [4] the Pope sent a Paternal Admonition to King Richard, That for the health of his own Soul, he should remove him from all Secular Business, and that for the future he should neither admit him nor any other Bishop or Priest to any Worldly employment or Administration, and Commanded all Prelates by virtue of their Obedience they should not dare to undertake them. [5] And thus the Archbishop was set aside, and Geofrey Fitz Peter succeeded him in the Government of the Kingdom.

They accused him also, [6] That in prejudice of the Mother Church of Canturbury he had built a Chapel at Lambithe, and placed secular Canons in it, and endowed them with their Rents and Goods, and contrary to the Custom and Dignity of the Church of Canturbury had Consecrated Bishops in it, so as they feared, unless timely prevented, the Dignity of the Mother Church would be Diminished, and transferred to that Apostate Chapel, (*ad Cappellam istam Apostolicam transferri videretur.*) [7] Pope Innocent much moved at this Information, writes to him to Demolish the Chapel within thirty days, after the Receipt of his Letters, and let him know if he did not, he was thereby suspended from his Episcopal Dignity and Function, until he should appear before him and make satisfaction. His Letters Bore Date the 8th of May at Rome in the first year of his Pontificate or Popeship. Coelestin Dyed on the eighth of January, and he was chosen next Day by the Cardinals, being then a Deacon Cardinal, and not much above 30 years of Age. [8] Coelestinus Papa senio & gravi Morbo laborans obiit Romae, mense Januarii, sexto Idus ejusdem mensis, feria sexta (Saturday) septimo Anno Papatus sui & Laterani sepultus est; Craetino autem obitus illius Convenientes in unum Cardinales Eligerunt in Summum Pontificem Lotharium Diaconum Cardinalem juvenem triginta annorum, vel paulo amplius; Qui vocatus est Papa Innocentius.

The Archbishop [9] thought himself so well Guarded by the Kings Power, that he hoped he might overcome all his Adversaries, and therefore seized into the Kings hands all the Revenues of the Monks, and the Oblations made at Thomas Becket's Tomb; and little valuing the Popes Commands, shut up the Monks in their Cloysters. Yet at length by the advice of his friends he Demolished the Chapel at his own Charge.

The Truce [1] between the two Kings for the Time of Harvest being expired, they entered one anothers Countries, wasting them with Fire and Sword, carrying many Prisoners away on both sides. [2] The King of France found a new way of Exercising his Cruelty upon the King of Englands people, by pulling out their Eyes, which provoked him to do the like.

At

[4] Ibid. n. 10.
The Pope sends to the King to remove him from Secular business.
[5] Ibidem.
He is set aside.

[6] Ibid. n. 50.

[7] Ibid. & b. n. 20, 40.

[8] Ibid. fol. 442. a. n. 10.
Innocent made Pope at 30 years of Age.

[9] Ibid. f. 444. a. n. 10.
The Archbishop seizes the Revenues of the Monks, and the Oblations at Tho. Becket's Tomb.

[1] Ibid. n. 50.
A. D. 1198.
The Truce between the two Kings expired.
[2] Ibid. b. l. 3.
The King of France causes the eyes of the English to be pulled out.

At this time [3] The Duke of Lohain, the Earl of Brene, Baldwin Earl of Flanders, the Earls of Ghisnes and Hainn, Geofrey Earl of Perche, the Earls of St. Giles and Blois, and Arthur Earl of Britany, left the King of France and adhered to the King of England, Swearing to him, and he to them, That he would not make Peace with the King of France unless by Common Advice.

The Earl [4] of Flanders Besieged St. Omers, and took it by Force, as also Arr, and many other Towns of the King of France.

In September, the two Kings [5] skirmished between the Castles of Samache in Cleudin and Clernon, in which Congress the King of France was put to flight, and lost twenty Knights, sixty Biquires, and many Horse and Foot, and was persued until he recovered his Castle of Clernon.

On the 27th of the same moneth [6] King Richard took by Assault the Castle of Courcelles, between Gisors and Dangu, and another small Castle called Burris, on the 28th the King of France Marched with a great army from Sant toward Curcel, which he thought had not been taken; The King of England met and fought with him between that Castle and Gisors. The French were routed, and their King fled to the Castle of Gisors. When he came upon the Bridge, it was so laden with the Numbers that strove to enter the Castle with him, That it Brake, and the King fell into the River Ept, and if he had not suddenly been drawn out had been drowned. In this Engagement the King of England with his own Lance overthrew three Knights [7] Barthew Mountmoency, Alan de Rulci, and Sulk de Silberal, and took them Prisoners. Besides there were taken [7] above an hundred Knights: The names of above forty of them of greatest note the King sent in a Letter, wherein he gives an Account of this Victory to the Bishop of Durham: *Allo seven score horses covered with Iron, and many ordinary horse and foot (septies viginti Equos ferro Coopertos, & servientes Equites, & pedites Multos. During four years and somewhat more, from King Richards first going over into France after his imprisonment, until the five year Truce made at the Treaty between Andely and Clernon, the two Kings had harassed and destroyed each others Country with Fire and Sword, many Treaties had been ineffectual, and the Truces that were made, were almost as soon broken as Concluded. The first Treaty [8] was about a Truce for three years at or near his first going over. And when all things were agreed; The King of France would have all that had been of one side or other, and were of the same Country or Dominion included, so as they might not take Revenge or molest one another for acts of hostility or injuries in the time of War. But King Richard would not vibrate the Customs and Laws of Poitou, or his other Dominions, in which it was from Antiquity Customary, for the Great Men to Decide their Controversies one with another by their Swords. Impedita [9] sunt Treuga quia Rex Anglia violare volebat Consuetudines & leges Poitaviae, vel aliarum Terrarum suarum, in quibus Consuetum erat ab antiquo, ut Magnates Causas proprias invicem Gladiis all-garent; and soon after*

A

B

C

D

E

F

[3] Ib. lin. 6.
Many Noble men deserted him, and adhered to the King of England.

[4] Ibid. n. 10.

[5] Ibid. n. 10.
The King of France put to flight.

[6] Ibid. n. 20. 30. 40.
He is again routed by King Richard. He hardly escaped drowning.

[7] Ibid. n. 50. & f. 445. a.

Several Treaties between the Kings of England and France, prove ineffectual.

[8] Ibid. f. 431. b. n. 10.
A. D. 1194.

[9] Ibid. n. 20.

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happened the Engagement near Mendenne and Fretchal before related.

[1] Ibid. f. 431. a. n. 40. A. D. 1195. Lewis the King of France his Son to Marry King Richard's Neice.
[2] Ibidem.

[3] Ibid. n. 50.

[4] Ibid. b. n. 10. The Emperor is against King Richard concluding a Peace with France.

[5] Ibid. n. 10. King Philip promises King Richard a meeting, but fails.

[6] Ibidem. The French enter Normandy, and ravage and burn Towns and Ships.

[7] Ibid. n. 30. 40. They desire a Treaty, which was granted, and a Peace concluded.

Next year they came to this [1] Agreement, That Lewis Son and Heir of the King of France should Marry the Sister of Arthur Duke of Britany Neice to the King of England, who was to release to them and their Heirs Gisors, Beaulieu, Baudemont, and Gerin Norman, also Clernon, Iveti, and Passi, and besides should give them 20000 Marks in Silver. On the other side the King of France was to [2] release all things he claimed in the Earldom of Engolelm, and was to restore the Earldoms of Albemarle and Du, the Castles of Arches, and many other Castles he had taken in Normandy and his other Territories by War. But the perfecting of this Agreement was deferred until the eighth of November, because the Emperor [3] prohibited the King of England he should not make peace with the King of France without his Advice and Consent. In this Treaty Alice Sister to King Phillip was delivered to him, and he presently married her to the Earl of Pontive.

The King of England [4] sent to the Emperor, William Bishop of Ely and others, and found him not pleased with the Terms of the Peace; and rather then it should be perfected, he offered to remit, 17000 Marks, of his Ransom which was unpaid, toward his charge in recovering what was lost; yet King Richard kept his Day, and very hour of [5] meeting the King of France near Verneuil. The Archbishop of Rheims met him and told him from the King of France, he ought to make so much hast, for he was then busie with his Council. The King of England believed him, and expected at a place near by, while he would expect to hear of the King of France no longer, and then went that he might speak with him. When Phillip Bishop of Beavals before him, told the King of England, that the King of France challenged him of Breach of faith and Perjury, for that he had sworn and given his Faith he would be at the Treaty such an hour and came not, and therefore he defied him, and so they parted.

Within [6] three Days the French entred Normandy, and made great Ravages there, they burnt Diep and the Ships and Vessels in Port. King Phillip rambling up and down with his Army, came to Moudun in Berry, took the Town and besieged the Castle. The King of England hearing of it, made what hast he could out of Normandy, came thither and entred the Castle, where a great many armed men flocked to him. [7] The King of France liked not his Station, and desired he might march away without any interruption to his Army, which being denied, he desired a Treaty, which was granted. This was on or about the [7] Sixth of December, and by the Mediation of the Archbishops and Bishops on both sides there present, it was sworn on both parts, That there should be peace and concord between themselves, their Men or Vassals, and their Dominions, (*inter se, homines suos, & terras suas*) until the Feast of St. Hilary next coming, and that then they should meet at Lobiers, to make final Peace and Concord (*ad pacem & finalem concordiam faciendam*) before a greater Audience or Convention of their people.

After

After the [8] Feast of St. Hilary, or on the 14th of January, they met at Lobiers, where by advice of their Men, or Great Feudatories, (*ubi inter eos Concilio hominum suorum*) They agreed, That the King of France and his Heirs, should Quiet-Claim or Release to the King of England and his Heirs, Moudun with its Appertinencies, and all the Right he had in Berry, Abergyn, & Gascony; and That he should render to him the Castle of Arches, the Earldoms of Albemarle and Du, and the other Castles he had taken by War. [9] The King of England for this was to Quiet-Claim or Release to the King of France Gisors Castle, and all Gerin Norman: And for the Performance of this Peace, they were bound to each other in 15000 Marks of Silver, and found Sureties one to another for that Sum.

The King of France Repented him of this Agreement, and Levied a great Army, [1] and besieged Albemarle; he took the Castle and demolished it, and received of the King of England 3000 Marks for the Ransome of his Knights and Esquires there taken: For which the King of England caused the Goods and Possessions of the Abbats of the great Monastery of Clugni, St. Denis, and la Charite, in all places of his Dominions to be seised, as being Sureties to him for the 15000 Marks. [2] Afterwards the King of France took Monan Court, and John Earl of Moreton the Kings Brother took the Castle of Samathe.

Andeli sur Seine, or the Isle of Andeli sur Seine belonging to the Archbishop of Rohen, was a [3] notable pass, or Inlet into Normandy, through which the King of France used often to take his way over the Seine, to waste and harass that Country. The King of England to hinder his getting over the River that way, and for the safety of his People, built a Castle in it, contrary to the mind, and notwithstanding the prohibition of the Archbishop; and because he would not desist upon his prohibition, he pronounced the sentence of Interdict against Normandy, and went to the Pope.

There happened the same year a [4] Skirmish between the Domestic Servants of each King, Hugh de Chaumont, a stout Rich Knight, and Favorite of the King of France, was taken, and delivered to the King of England, and delivered him to Robert de Ros to be safely kept, and he delivered him to his Elquire or Servant William de Espinat to be kept in the Castle of Bon-Aille upon Coke. In the night by his consent and permission he made his escape. The King angry at it, imprisoned Robert de Ros, and caused him to pay a Composition of 1200 Marks for his Liberty, and William de Espinat a Traytor to his Master was Hanged upon a Gallows.

On the 19th of May, [5] John Earl of Moreton and Marchades, the General of the Breabaters, with a good Body of Horie appeared before the City of Beavals: When they came to plunder and waste that Country. Phillip the Bishop and William de Berleu with his Son, and many Knights, and ordinary People went out armed to oppose them: They were presently routed, the Bishop, William de Berleu his Son and some Knights were taken, and most part of the ordinary People were killed. The same day they marched to Billi.

[8] Ibid. f. 435. a. n. 40. A. D. 1196. The Articles of the Peace.

[9] Ibid. n. 50.

[1] Ibid. n. 40. 50. The King of France breaks the Peace made between him and King Richard.

[2] Ibid. b. lin. 1.

[3] Ibid. f. 437. a. n. 10. A. D. 1196.

The sentence of Interdict pronounced against Normandy.

[4] Ibid. & n. 20. A Skirmish between the Domestic Servants of both Kings.

[5] Ibid. n. 40. A. D. 1196. Earl John de Beavals Phillip Bishop of Beavals.

a Castle belonging to the *Bishop*, and took it by assault, and demolished it; and so returned in Triumph into *Normandy*, and delivered their Prisoners to the King.

[6] Ibid. n. 50. A.D. 1197.

[7] Ibid. b. lin. 1. & n. 10. King Richard sends Messengers to the Pope to make his defence.

[8] Ibid. n. 10. 70. Their Plea in the Kings behalf.

[9] N. 20. 10. The Popes advice to the Archbishop of *Rouen*.

The Interdict released.

[1] Ibid. n. 40. What the King gave the Archbishop for a recompence.

[2] Col. 701. n. 40. & Col. 701.

[3] Ibid. Col. 700. n. 30.

[4] Moved. f. 437. b. n. 50. A.D. 1197. He plundered and burnt St. Valeri.

[5] Ibid. f. 438. a. lin. 1. Several People confederate with King Richard against King Philip.

[6] Ibid. n. 10. [7] Ibid. n. 20. 30.

The Bodies of the Dead lay [6] unburied in the Streets of the Cities of *Normandy*; and the King being mightily Troubled, the Archbishop would not Release the Interdict, [7] sent the Bishop of *Lisieux* and Philip the Elect of *Durham* after *Christmas* to the Pope, to make his Defence before him. They appearing in his presence with the Archbishop, He asserted his Right he had in *Andeli*, and complained of the Injury King Richard had done by Building a Castle upon the Patrimony of the Church of *Robert* without his assent, and contrary to his pleasure. To which they answered, [8] The King had often offered him by the Mediation of his Bishops and Abbats, Earls and Barons, full satisfaction by the Estimation of discreet understanding Men; and did affirm on behalf of the King, he could not part with That Island of *Andeli* in which the Castle was built, because the King of France made his passage that way into *Normandy*, and often wasted it; and therefore the King of England fortified it for the Defence of his Country against the King of France.

[9] The Pope and Cardinals after long Deliberation, attending the Damages which might accrue to *Normandy*, if there were not a Castle built there, Advised the Archbishop amicably to compose the Matter, and to accept Recompence according to the Estimation of honest and wise Men, (*Secundum proborum & sapientum virorum Estimationem*) Saying, It was lawful for Kings and Princes to fortifie the weak places of their Countries to avoid Damage to themselves and People. This done, the Pope Released the Interdict.

The Messengers and Archbishop being Returned with the Determination of the Pope and Cardinals, [1] the King summoned the Bishops, Abbats, Earls and Barons of *Normandy* together, and gave to Walter Archbishop of *Robert* in Recompence of his Town of *Andeli*, the Town of *Dei* with its Appertencies, the Mills of *Robert* in the City of *Robert*, and *Loviers* with its Appertencies, and much more according to the Kings Chart and the Popes Confirmation in [2] Ralph de Diceto; by which exchange the Archbishop confessed the Church got above Five [3] hundred Pounds.

The same year [4] Richard came to St. Valeri, and burnt the Town, and Destroyed the Monks, and carried with him into *Normandy* the Shrine and Reliques of St. Valeric; in that Port he found Ships from England laden with Grain and Victuals, he hanged the Mariners, burnt the Ships, and distributed the Corn and Victuals amongst his Soldiers.

Then came into King Richard [5] the People of *Champaign*, the *Flemings*, and *Britans*, they gave Pledges mutually they would not make Peace with the King of France, but by common advice. The King of England Bribed with Gifts many of the Great Men of France; he gave to the [6] Earl of Flanders 5000 Marks for his assistance, and he gave Hostages, he should not make Peace with the King of France without his consent; and the same the King of England did to him. [7] The King of France made him great Offers

to leave the King; but not being able to effect it, he again Capitulated with the King of England.

The Sons of [8] King *Refe* the Son of *Griffin*, contended after the Death of their Father who should Reign; Hubert Archbishop of *Canterbury* went to the Borders of *Wales* and made them Friends.

Philip Bishop of *Beavars* [9] sent his Brother the Bishop of *Orleans* with his Epistle to the Pope, informing him he was made Prisoner by the King of England; and complaining how he was bound and laden with Irons, notwithstanding the Dignity of his Order; and, as he says, petitioned him with Tears for Relief.

The Pope [1] writes back to him, That he had put on a Soldiers Armour in stead of a Priests Habit and Vestments: That the King of France was bound by Oath not to do any Damage to the King of England's Towns and Countries, during the Time of his Peregrination; and That he had impudently against his Faith and Oath, by force seized his Towns, and cruelly wasted his Countries: That Humility against Pride, Right and Equity against Wrong and Injury, and Modesty against Arrogance, fought for the King of England: That he was not only a foolish Adviser of, but an insolent Ador in his Kings extravagant Madnes; and at last told him, he could only supplicate the King of England in his behalf, for in such a case he neither could nor ought to Command.

But whether the Pope wrote in his behalf, or notwithstanding what he wrote, he remained in Prison, and toward the latter end of the year 1198, offered King Richard for his [2] Liberty 10000 Marks of Silver.

The two Kings made a Truce again for one year from the Feast of St. Hilary, [3] designing to make Peace, and final Concord between themselves. But in September following this Truce was broken, as hath been said in the Relation of the Skirmish between Samache and Vernon, and the Battel between Curcells and Gisors; yet in November that [4] year they made Truce again, until the Feast of St. Hilary: from this time to the Death of Richard all Hostility ceased between the two Kings.

These are some of the Battels, Skirmishes and Engagements, and the most notorious, that were fought and happened between King Richard and King Philip in France; some of the Truces that were as soon broken as made; some of the Barbarous Devastations and Plunderings; some of the Inhumane Killings, and Leadings into Captivity, committed and practised there, during those last five years King Richard was in that Kingdom, from the middle of May 1194, to the 6th of April 1199, the time of his Death. Let us now take a Turn into England.

In the year 1198. Geoffrey Fitz Peter, the new Justiciary of England, sent forth [5] Itinerant Justices, and Hugh Bardulf, Mr. Roger Arundel, and Geoffrey Paget, had committed to them, and journeyed through Lincoln, Nottingham, Derby, York, and Lancashire, Westmerland, Cumberland, and Northumberland, and held

[8] Ibidem. Hubert composes the Differences between the Welch Princes. [9] Ibid n. 50. The Bishop of Beavars his complaint to the Pope against King Richard.

[1] Ibid. b. n. 20. 80. The Popes Answer.

[2] Ibid. f. 449. a. lin. 4.

A Truce made between the two Kings.

[3] Ibid. f. 439. a. n. 10. A.D. 1198. And presently broken. [4] Ibid. f. 446. b. n. 40.

A.D. 1198. [5] Ibid. f. 449. b. lin. 7. Itinerant Justice sent forth by the Chief Justiciary.

[6] Append.
N.

held *Pleas of the Crown and Forrest*. The Articles or Heads whereof see in the [6] *Appendix* with their *English* version.

A Contro-
versie be-
tween the Bi-
shop of Dur-
ham, and Ro-
bert Turnham.
[8] Ibidem.
n. 50.

There was a Controversie Depending between the Bishop of Durham, and Robert de Turnham for the *Maner of Clif*, which was Tried before these Justices. At the [8] Request of Robert de Turnham the Bishop granted him he should have a Recognition or Verdict of 12 Lawful men of the Neighbourhood of Clif, (Philippus Dunelmensis Episcopus ad petitionem Roberti de Turnham concessit ei coram Rege Recognitionem Duodecim Legalium hominum; de visneto de Clif) who had the greater right in that *Maner of Clif*, That is to say, whether he Robert ought to hold that *Maner of the Bishop*, and thereof to be his *Dan or Cassal*, (& inde homo suus esse) or the Bishop ought to have it *Demesn*. The Twelve men recognized or gave in their Verdict upon Oath, That that *Maner was the hereditary right of the Wife of the foresaid Robert, the Daughter of William Fossard*, and so the Bishop lost that *Maner of Clif*, which his Predecessors had peaceably enjoyed a long time, (*multo tempore*) [1] These things were done before Hugh Bardulf, Mr. Roger Arundel, and Geoffrey Paget at that time Justices of the Pleas of the Crown at *Loth*.

The Jury give
in their Ver-
dict for Robert
de Turnham.
[1] Ibid. f.
447. a. l. 1.

* Ibid. f. 446.
a. n. 50.
A. D. 1198

The religious this * same year gave the King five (*shillings*) of every *Plough-Tith*, as the other men of the Kingdom had done.

[2] Ibid.
f. 446. b. l. 1.
King Richards
New Seal.
[3] f. 1133.
All Charters to
be renewed.
[4] f. 195. h.
50.

The King this year Commanded all men as well *Clerics as Laics*, That had any *Charts* or *Confirmations of Charts*, under his old Seal, should carry them to his [2] *New Seal* to have them renewed, or they should be of no force. Upon this *Edit* Mr. Pryn says in his first Tome of his [3] *Chronological Vindication*, &c. That he found most of his *Charters to Monasteries renewed in the 7th and 10th years of his Reign*, which he had granted in the first, or any other year before it. [4] *Mat. Paris* says they were Renewed that year about *Michaelmas*.

[5] Ibid. f.
449. a. n. 10, 30
A. D. 1199.
King Richard
treats with
King Philip
on Horsback.

As it had been appointed, the two Kings met to [5] *Treat on the Feast of St. Hilary* or 14th of *January*, between *Andeli* and *Gernon*, The King of England came thither up the *River Seyn* in a Boat, and not willing to come on Shore, spake with the King of France as he Sate on Horse-back upon the River Bank. They appointed another day of Treaty; When by the Mediation of *Peter of Capua* Cardinal Deacon of St. *Mary*, and the *Popes Legat*, and by the advice of other great men on each party, agreed upon a *Truce for five years* from that *Feast*: Upon this only Condition, That things and possessions should remain as they then were on both sides. *Rebus & Tenementis sic se habentibus ex utraque parte, ut tunc erat*, and confirmed the Agreement with their Oaths.

[6] f. 194. n.
40. 50.
Mat. Paris
his Account
of the Treaty.

Mathew Paris [6] gives a more particular Account of this last Treaty, and tells us, That after the Battel between *Curtes* and *Clif* in the latter end of *September* or beginning of *October* 1198. wherein the King of France his Troops were routed, and much weakened; Compelled by necessity, he sent to the Pope to Request his interposition, That a Peace, or at least a *Truce* for some time, might be made between him and the King of England. That such as were willing

willing to undertake the *Crusado*, might with the greater liberty and forwardness do it; and that it might be accomplished, with more firm security, he desired a Cardinal might be sent with such full power, That if need were, he might force either of them, if obstinate, to peace and Concord. Pope Innocent who much affected the Business of the *Cross*, Induced thereto more by money than Debotion, (Innocentius Papa, qui negotium Crucis plurimum affectabat, plus pre- tio quam precibus inductus, Misit &c.) sent Peter de Capua a Cardinal to make Peace between them, who when he came to the King of France, by his Advice took some Bishops of both Nations with him, and went to the King of England; and Opened to him, what injuries, damages, and depredations had been, and might be done in both their Dominions, if a firm Peace was not established.

King Richard [7] answered with indignation, That he was not of right, to do any thing upon the Popes Account, especially seeing he had often requested him, To compel the King of France by Ecclesiastical Censures, to restore him his Dominions and Castles, he had unjustly seized upon, Despising the Oath he made, not to give him any Trouble, while he was in the Holy Land, reducing it to the Obedience of the Christians: And therefore in regaining his Inheritance, by reason of the Popes Remissness, he was forced to consume a vast Summe of Money, when as the King of France had not only been guilty of Perjury, but deserved to have had the Sentence of Excommunication pronounced against him: Neither did he know whether he desired a Truce or not.

Then the [8] Cardinal calling the King aside, and injoyning him secrecy, acknowledged, That he was sent from the Pope at the instance of the King of France, That he might compound the Differences between them; and Advised the King, for that time to acquiesce in the Popes Desire, and to be certainly assured, That he would hear him as well concerning the King of France, as in all his other affairs. King Richard was mightily pleased his Nephew *Edmo* had been Crowned King of the Romans, and did hope by the Popes favor to promote him to the Empire; and therefore, being also urged by the importunity of many others, he yielded and confirmed it by Oath, That for five years the Subjects and Tradesmen of both their Dominions might have free intercourse, pass and repass peaceably to Fairs, and buy and sell one with another.

After this Truce King Richard [9] went into *Wolidou* and the party adjoining, to settle his Affairs there; *Widomar* the Viscount or Sheriff of *Limousin* had found a great Treasure of Gold in his own Ground or Land, and sent a good part of it to him; he Demanded all as Due to him, and believing it to have been secured in the Castle of *Chalus* near *Limoges* belonging to that *Viccomes*, he Besieged it, and there received a wound in the Arm by an Arrow from a Cross-Bow, whereof he Dyled on the 6th of April 1199. When he found himself ill, and Despaired of Life, he [1] Deviled to his Brother John the King of England and all his other Dominions, and caused those that were present to Swear fealty to him, and Commanded they should Deliver him his Castles and three parts of his Treasure. And all his *Baubells* (that is *Gemms* and *Jewels*) omnia *Baubella sua*, he gave to

[7] Ibid. f.
195. lin. 1.
King Richard
refuses to do
any thing
upon the
Popes account

[8] Ibid. n.
The Cardinal
advice to
King Richard

Edmo his Ne-
phew Crown-
ed King of
the Romans

[9] Paris f.
195. n. 30.
& Hoved, f.
449. b. n. 10
20.

King Richard
wounded in
the Arm by
an Arrow.
He Dyled of
the Wound

[1] Ibid n.
30 40.
He deviled
the Kingdo-
m of England,
&c. to his
Brother John

N n n his

his generosity
to his Servants
and the Poor.
* f. 439 b. r.
40.

his Nephew **Otho King of Altman**. And the Fourth part of his Treasure he Commanded to be Distributed amongst his Servants and the Poor.

There is nothing Considerable to be found concerning *Ireland* in this Kings Reign: * It was in the Keeping, and under the Government and Direction of Earl **Johns** Deputies and Officers.

Church Affairs.

There was little done in *Church matters* in this Kings Reign. **Hubert Archbishop**, went to **Rome** to correct and amend all things that were amiss in that Province, and on [2] St. Barnabys Day he was met by the Clergy in Solemn Procession, as the Popes Legat, but not as Archbishop of **Canturbury** or **Primas**, and brought into the Cathedral Church there. On the Monday following he caused Assises to be hold of all Pleas of the Crown, and of Naval Dissensions, and Death of Antecessors, by his Ministers: whilst he and his Officials held Pleas in Court Christian. Sequenti die Luna, fecit ipse veneri Assisas de omnibus placitis Coronæ Regiæ, & de Noba dissassina, & de morte Antecessorum, per Ministros suos; ipse vero & Officiales sui renuerunt placita Christianitatis; which were dispatcht in that one day.

In two following days, which were **Wednesday** and **Thursday**, with the Clergy of the Province, he held a famous [3] Council, in which were made 18 Decrees; most about the Behaviour of the Clergy, and matters of small moment, which are therefore omitted. This was the only Ecclesiastic Council I find in **England** in this Kings Reign. But in **Normandy** the Clergy obtained their wishes and desires of King **Richard**, and the Church there was freed from Servitude as they called it. **Mat. Paris** says [4] Ecclesia Dei in **Normania**, de longo servitutis iugo liberata est; glorioso Rege **Richardo** Annunte, & omnia Disponente. The Church of God in **Normandy**, was freed from a long servitude, by the Order and Grant of King **Richard**. First [5] That no Clerges should be taken by Secular power as they had been formerly, unless for Murther, Theft, Burning, or such Enormous wickedness. And that when as soon as they were demanded, They should be Delivered without Delay, to be judged in the Ecclesiastic Court. That all Controversies about Breach of faith or Oaths should be Judged in the Ecclesiastic Court, &c. (These and many other things altogether to the Advantage of the Ecclesiastics, were agreed in a Convention of the Clergy, **Senechal** and **Bakons** of **Normandy**. The particulars whereof are noted in the [6] Appendix, and tis not to be doubted but this Usurpation upon the Rights of the Duke of **Normandy**, and his Barons, was the Ground of the Establishment of those Rights made by the Oaths of the Barons at **Robin** A.D. 1205. in the sixth of King **John**.

Taxes

Taxes and Moneys Raised in this Kings Reign.

A Scutage [7] for **Wales** of ten shillings every Knights fee in the first year of his Reign, which probably happened upon this Account. **Richard** was Crowned September the 3d. In [8] October **Edwe Fitz-Griffin King of South-Wales** came into **England** as far as **Worford** Conducted by Earl **John of Hereford**. And because King **Richard** would not meet him as his Father had done, he fell into a passion and returned into his own Country and would not speak with King **Richard**. This might be taken or granted for some Forces to Reduce **Edwe** into a better Temper.

Next year toward his Expedition to the Holy Land, two Saddle-Horses, and two Sumpter-Horses were taken of every [9] City, of every Abby one Saddle-Horse, and one Sumpter, and of every of the Kings Maners as of the Abbies for an Ayd.

For his Ransome when Prisoner to the Emperor; [1] Of every Knights Fee 20 s. The fourth part of the Rents of the Laics, (That is of the Husbandmen or Tenants) a fourth part of the Rents of some Clerges, and a tenth of others; all the Gold and Silver the Churches had, and all the Wooll of that year of the Cistercian Monks, and the Order of **Semplingham**.

Carucage [2] of every Plough-land two shillings, of the Husbandmen or occupiers of every Knights Fee a third part of the service, for his Expedition into **Normandy**, the King Demanded all the Wooll of the Cisterrians this year also, for which they made a fine or Composition in Money.

For Liberty of [3] Torneament, or Tilting, every Earl was to give 20 Marks, every Baron 10 Marks, every Landed Knight 4 Marks, every Knight of fortune or without Land 2 Marks.

Eleven hundred [4] Thousand Marks Raised in two years A.D. 1195, 1196. but not laid how, by **Hubert Archbishop of Canturbury** the Kings Justiciarie, for the Kings use.

An ayd of five shillings [5] of every Carucate of Plough-Land.

The cause of this great Tax, besides the Kings Exigencies abroad might be two Expeditions into **Wales** this year, [6] one by **Hubert Archbishop of Canturbury** when he was Justiciary about Christmas, when he turned out the Constables of the Castles of **Hereford**, **Strig-north** and **Ludlow**, and put in others to keep them to the Kings Use. [7] The other by **Geoffrey Fitz-Peter**, to the assistance of **William de Bruca** an English Baron, whom **Alenbunwin** son of **Cadwalan** had Besieged in **Baud Castle**, where above 3000 welch were in fight and flight.

Much Money was Raised by Seizures, Fines, and Compositions, and the Sale of his Demeasnes.

[7] Lib. Rul. in Seaccario. A Scutage ten shilling for every Knights Fee [8] Hoved. 377. a. l. 6. A. D. 1189.

An Ayd. granted for the expedition into the Holy Land.

[9] Ibid. f. 378. b. n. 50. A. D. 1190. [1] Ibid. f. 413. b. n. 10. 416. b. l. 1. A. D. 1193. A Tax for the Kings Ransome.

[2] Ibid. f. 419. b. lin. 1. A. D. 1194. An Ayd for his expedition into **Normandy**.

[3] Ibid. f. 424. b. n. 10. A. D. 1194.

[4] Ibid. f. 436. b. n. 30. A. D. 1195, 1100000 Marks raised by **Hubert** the Kings Justiciarie.

[5] Ibid. f. 412. b. n. 50. A. D. 1198. The Occasion of these Taxes.

[6] Ibid. f. 440. b. n. 50. A. D. 1198. [7] Ibid. f. 444. a. n. 40. A. D. 1198.

His Issue.

[8] Ibid. fol.
392.2. n. 30.

[9] Ibid. f.
394. 2. n. 10.
A. D. 1190.

By the Procurement of his [8] Mother **Alienor**, he Married **Berengaria** Daughter of **Sansius King of Nabarre** in the Isle of **Cypus** [9] on the 12th of May, and there was Consecrated and Crowned *Queen of England* by **John Bishop of Eueux** with other Forreign Bishops his assistants, but by her he had no Issue. She was with him in the *Holy Land*, and came as far as **Sicily** in her passage to **England**: But afterwards we hear not of her, until the third of King **John** when he compounded with her for her Dower.

[1] C. 452. b. n.
30.

Philip he had, a Base Son as **Hobeden** [1] affirms, to whom he gave the Castle and Honor of **Guinat**, but of whom begotten, or when and where born he saith not. *Philippus filius Richardi Regis Anglie* *Notus est cui predictus Rex pater suus dederat Castellum & Honorem de Guinat, &c.* Other Issue of his I find not, or what became of this **Philip**.

THE F

THE REIGN OF King John.

AFTER the Death of King **Richard** [1] **John Earl of * Hereford** the fourth and youngest Son of King **Henry the Second** came into **Normandy** and presently sent **Hubert Archbishop of Canturbury**, and **William Marshal Earl of Striguit** into **England**, who with **Geoffrey Fitz Peter the Justiciary**, and other Barons were to Keep that Nation in Peace. Out of **Normandy** he went to **Chinon** in **Tourain** where was the Treasure of his Brother in the Keeping of **Robert de Turnham**, who delivered it to him, with the Castles of **Chinon** and **Saumur** and other Castles.

At the same [2] time his Nephew **Thomas de Furnes** Delivered the City and Castle of **Angers** to **Arthur Duke of Brittany**, for in a Convention of the Chief men of **Anjou**, **Tourain** and **Main**, They acknowledged it to be the right and Custom of their Countries for the Son of the Elder Brother to succeed in the *Patrimony* due to him, and That **Arthur** ought to possess the Inheritance which his Father **Geoffrey** should have had, if he had out-lived his Uncle **Richard**, and therefore owned and adhered to him as their *Liege Lord*, and Delivered to him **Anjou**, **Tourain**, and **Main**. [3] **Constance** the Mother of **Arthur** brought him to **Tours**, and Delivered him to **Philip King of France**, he sent him to his Son **Lewis** to be Kept at **Paris**, and seized his Citys, Castles and Fortresses, and placed in them *Castellans*, and *Governors* of his own.

In Revenge [4] **John Earl of Hereford** came to **Main**, took the City and Castle, and Demolished the Walls of the City, the Castle, and all the Stone Houses, and made many of the Citizens Prisoners, for that they had received **Arthur** contrary to the *Fidelity* made to him. From thence he went to **Rothen**, and on the 25th of April [5] was girt with the Sword of the Dukedom of **Normandy** by **Walter Archbishop** of that City. And he Swore before the *Clergy* and *Laitie* (*coram Clero & populo*) upon the Reliques of Saints, and the holy Gospels: * That he would preserve from Injury holy Church, and the

[5] Ibid. n. 30. He is girt with the Sword of *Normandy*. * This was the Oath of the Dukes of *Normandy*, and if the Conqueror took any, it was this, and in Substance the same with the Oath of all our Antient Kings.

Dignities

[1] Hoved. f. 450. b. n. 20. A. D. 1199. The old Monks never call any one King of *England*, or Duke of *Normandy*, until Crowned or Invelled; for it was their opinion he was not so, and that he Received his Kingship, &c. from his Consecration, Unction and Coronation, and by that means from the Archbishop as an Instrument, and the Church of *Rome*, as the Original of it, and all Secular Government. [2] Ibid. n. 30. The Nobility of *Normandy* adhere to *Arthur Duke of Brittany*. [3] Ibidem. [4] Ibidem. *John Earl of Hereford* takes and demolishes *Main*.

Dignities thereof, That he would exercise right Justice, Destroy civil Laws, and ordain good.

[6] Ibidem. n. 40, 50. The Nobility and Free Tenants of England swear Fealty to him.

In the mean time Hubert Archbishop of Canturbury, and William Marshal who had been sent into England [6] Caused the men of the Kingdom or Government (*fecerunt homines Regni*) as well of Cities as Burghs, and Earls, Barons, and free Tenants, to swear fealty and peace to John Duke of Normandy, the Son of King Henry, the Son of Matilda the Empress, against all men, yet all the Bishops, Earls and Barons that had Castles provided and furnished them with Men, Victuals and Arms. And therefore the Archbishop William Marshal and Geoffrey Fitz-Peter Justiciary of England met at Northampton, and called before them such as they most suspected, who were David the King of Scots Brother, Richard Earl of Clare, Ranulf Earl of Chester, William Earl of Cutesbury, Walter Earl of Warwick, Roger Constable of Chester, and William de Boubay, and many other Earls and Barons, and there assured them, that Duke John would restore to every one their right. Upon that Bargain or Condition, (*sub hac igitur conventionione*) the foresaid Earls and Barons swore fealty to John Duke of Normandy, and faithful Service against all men.

* See Exact History of Succession fol.

[7] Ibid. f. 451. a. lin. 2. The King of Scots sent Envoys to demand his Patrimony of Duke John. But are denied passage into Normandy.

William King of Scots sent his [7] Envoys to Duke John to demand his Patrimony, That is, Northumberland and Cumberland, with their Appertinences, and promised then to swear fealty and faithful Service to him against all men. But the Arch-Bishop, William Marshal, and Geoffrey Fitz-Peter would not suffer them to pass into Normandy, and sent to him by his Brother David, That he should wait patiently until he came into England. The like Message Duke John sent to him by his Son in Law Eustachius de Melci, That in all things he would satisfy his Requests, when he came into England, if in the mean time he kept the Peace.

[8] Ibid. f. 452. a. lin. 20. Duke John Landeth in England and is Crowned King.

On the 25th of May Duke John [8] Landed at Shoreham in Sussex, the next Day went to London, and on the 27th of May being Ascension Day was Consecrated and Crowned by Hubert Archbishop of Canturbury at Westminster. For the particulars of his Coronation I refer the Reader to the Exact [9] History of the Succession of the Crown.

[1] Moved. f. 451. a. lin. 40. The ancient way of Creating Earls, and investing them in their Earldoms, [2] Ibidem.

The same day King John [1] girt William Marshal with the Sword of the Earldom of Striguil, and Geoffrey Fitz-Peter with the Sword of the Earldom of Essex, who though before they were called Earls; and had the Administration of their Counties or Earldoms; yet were not Girt with the Sword of their Earldoms. The same day also he made [2] Hubert Archbishop of Canturbury his Chancellor.

[3] Ibid. n. 10. The King of Scots reneweth his Demands, [4] Ibid. b. lin. 5.

The King of Scots [3] by three Priors of his own Nation Reneweth his Demand of Northumberland and Cumberland, and made the same promises, King John Answered them, That when their Lord the King of Scots his Dear Cousin came to him, he would do what was just concerning that, and all his other Demands; [4] And sent Philip Bishop of Durham to meet him, hoping he would come,

come, having sent Roger Bishop of St. Andrews, and Hugh Palestine for him, and went himself to Nottingham at Whitsunday, and staid in those parts in Expectation of him, but he would not come; he only sent back the two Messengers to him, with demand of the two Counties, and to let him know, if he denied his demands, he would endeavor to acquire them by force, and expected his Answer within Forty Days. In the mean time King John committed Northumberland and Cumberland with their Castles to the keeping and defence of William Stutevil.

And having dispatched his Affairs in England passed into Normandy, and landed at Diepe, and was at Roben on [5] Midsummer Day, where came to him a Multitude of Soldiers Horse and Foot, and presently there was a Truce made between him, and the King of France, until the Morrow after the Assumption of St. Mary (that is the 16th of August) and here Philip Earl of Flanders did Homage to King John six days before that Feast, Philippus comes Flandria devenit homo Regis Johannis apud Rothomagum, &c.

Henry [6] Earl of Namur brother to Philip Earl of Flanders, Peter of Donay a Famous Soldier, and his Brother the Elect of Cambray, were taken by some of the French Kings Soldiers and delivered to him. Peter of Capua a Cardinal and the Popes Legat interdicted France for the taking of the Elect of Cambray, as also Normandy for the Detention of Philip Bishop of Beavais, and before he would release the Sentence, the King of France was forced to Release the Elect, and King John the Bishop of Beavais, but because he was taken in Arms, he gave King John 2000 Marks (*Paris* [7] lays 8000) and took an Oath never to bear Arms again, against Christians.

Philip King of France [8] Knighted Arthur Duke of Britany, and Received his Damage for Anjou, Poitou, Tourain, Main, Britany, and Normandy. In the Morrow after the Assumption of St. Mary (August 16th) the two Kings treated two Days by their Commissioners between Burabant and Gaillon, and the third Day they spake by themselves, but the King of France shew no Kindness to the King of England; and the reason was because he had possessed himself of Normandy, and other Countries without his Licence, whereas he ought first to have come to him, and demanded his Right and done him Damage.

In this Treaty [9] the King of France Demanded all Avenir, That is all between the Forest of Lions, the Seyn, the Isle of Andely, and the River Ept. Affirming that Geoffrey Earl of Anjou, the Father of Henry, Son of Matilda the Empress, had given it to Lewis the Grands King of France for his assistance in gaining Normandy from King Stephen of England. And Demanded that Poitou, Anjou, Tourain, and Main might be rendred to Arthur Duke of Britany, and made other Demands the King of England could not Grant, and so they Departed. The Earls and Barons of France that had adhered to King Richard, became the men of King John, and Swore to him they would not make Terms with the King of France unless with his Consent, and he Swore to them he would not make Peace with him unless they were comprehended in it.

King John passeth into Normandy. [5] Ibid. n. 30, 40. And makes a Truce with the King of France.

[6] Ibid. f. 452. a. n. 10. France and Normandy interdicted.

[7] f. 198. n. 50.

[8] Moved. f. 452. a. n. 10. The King of France Knighted Arthur Duke of Britany and received his Homage.

[9] Ibid. n. 30. His Demands of King John.

King Richard's riches adhered to King John.

[1] lb. b. 1. r.

In October the King of France [1] took the Castle of Balun, which was taken ill by William de Rupibus, (or Roche,) General of Duke Arthur's Forces, was sent to him, that there was no such Agreement between his Lord Arthur, and him. The King replied, he should not omit to do his pleasure, notwithstanding his Lord Arthur, and then went and besieged Labardin, [2] but hearing the King of England was coming with his Army left the Siege, and marched to Banz; King John followed him, and he left that place. In the mean time William de Roche, had craftily gotten Arthur out of the [3] custody of the King of France, and reconciled him to his Uncle King John, and delivered to him the City of Banz, of which he was made Governor by them both; and the very same day it was told Duke Arthur, that King John would put him in prison; whereupon he and his Mother that night made their escape to Angers. Paris [4] says, he went privately to the King of France.

[3] lb. n. 10.
Arthur reconciled to King John, and made Governor of Mans.

[4] f. 198. n. 30.

* Moved. f. 453. a. n. 30.
A. D. 1199.
William King of Scotland admonished by a Revelation not to invade England.

William * King of Scots, in pursuance of his Claim to the Counties of Northumberland and Cumberland, raised an Army with intention to invade England, but coming to the Shrine of St. Margaret, sometime Queen of Scotland, which was at Dunfermlin, where he stays all night, he was admonished by a Revelation in his Sleep, That he should not invade England with his Army, and so he permitted it to depart home, or discharged it. *Permissit exercitum suum Domum redire.*

[5] Moved. f. 454. b. n. 10. 30.
A. D. 1200.
A Treaty between King John and King Philip.

After Christmas the two [5] Kings met at a Treaty between Andell and Gaillon, in which Treaty they agreed, That Lewis, Son to the King of France should take to wife Blanch the Daughter of Alfonso, the Eighth, King of Castile, King John's Niece, with whom he was to give, and quiet claim the City of Eueux, and the whole Earldom, and all the Fortresses and Castles which the King of France had in Normandy, at the time of the death of King Richard, and besides, give her 30000 Marks of Silver, and did swear, That he would not give any assistance to his Nephew Dibo in Men or Money, whereby he might obtain the Roman Empire, to which he had been chosen by the Popes procurement; but the execution of these points was delayed until the Octaves of, or Eight days after Midsummer; after the Treaty King John sent his Mother Alienor to Alfonso, King of Castile, for his Daughter that was to be married to Lewis, Son of Philip King of France; and in the mean time he passed into England, and took of every Plough-land of all England, Three shillings for an Ayl, *Et cepit de unaquoque Carucata totius Anglie tres solidos de auxilio.* In Lent he went to York, expecting the King of Scots would meet him there, but he came not, and then he returned into Normandy.

An Ayl of 3 s. every Plough-land.

[6] Ibidem. f. 456. a. n. 30.
A. D. 1200.

Articles of the Treaty between the two Kings executed.

In the mean time [6] his Mother Alienor had brought her Grandchild and his Niece Blanch as far as Burdeaur. The old Queen, wearied with the length of the Journey, took in at the Abby of Font-Evzald to refresh her Self, and the young Lady passed on under the Conduct of the Arch-Bishop of that City into Normandy, and was by him delivered to her Uncle King John. Eight days after Midsummer, as it was appointed, the two Kings met and Treated,

(Convenerunt

(Convenerunt ad Colloquium) in which Treaty the King of France delivered to King John the City of Eueux, with the Earldom, and all the Castles, Cities and Lands he had possessed himself of by War in Normandy, and the other Dominions of the King of England, and King John presently became his Vassal, or did him Homage [7] & Johannes Rex Anglie statim devenit inde homo Philippi Regis francie, and forthwith gave all these things to Lewis his Son in Marriage with his Niece, who the next day were Married in Normandy by the Arch-Bishop of Burdeaur, in the presence of many Bishops and Religious persons, and many Earls and Barons of France, which was then under the Sentence of Interdict for the Kings Repudiation of Hemburg of Denmark. The same day the [8] two Kings were at a Colloquium, or Parle at Aernon, where Duke Arthur did Homage to his Uncle King John, by consent of the King of France, for Britany, and his other Countreys; but was delivered by him to the King of France in custody.

[7] Ibid. n. 40. 50.
King John doth Homage to King Philip.

[8] Ibid. b. 1. 1. 2. 3. 4.
Duke Arthur doth Homage to King John.

And that this Peace might remain the more firm, the particulars of it were put in writing, and it was Agreed, that if in any thing, the King of France did violate it, then the Barons of France, which he assigned his Fide-jussors, or Security, for the preservation of it, and their Sen or Homagers, were to be free from the Fealty they ought him, and were obliged by Oath to go into the service of the King of England to assist him; and in like manner the Barons of the King of England, that were his Undertakers and Security, obliged themselves to desert him, and help the King of France, and were freed from their Fealty, if he brake it. The particulars of this Peace are now of small moment, unless that they shew the manner of Estates, and way of Living was then the same all France over, in Normandy and in England; and perhaps in most parts of Europe. That part which the King of France executed, and remained with the King of England, is to be found in Hoveden. f. 463. a. n. 10. And that part which the King of England executed, and remained with the King of France, is to be found in the Norman Writers, put out by Du Chesne A. D. 1619. f. 1055. B.

The conditions of the Treaty between the two Kings.

This year there happened a famous Tryal about the Title of a Barony, which Hoveden hath misplaced, for it was before the King when he was in England, before he returned into Normandy to Marry his Niece, and perfect the Treaty which he had begun with the King of France. Soon after Christmas, as appears by the day and time when it was, and for many circumstances, and particulars in it, may not be unworthy the relating.

A Tryal about the Title of a Barony.

William de Stutebill [9] gave King John three thousand Marks of Silver, to have a Judgment, or determination concerning the Barony of William de Bowzay, which he claimed against him in the Kings Court. For that Robert Guinebrof, the great Grand-father of that William Stutebill had that Barony from, or by the Acquest of England (de Acquisitione Anglie.) But that Robert Guinebrof leaving King Henry, Son of William the Bastard, who conquered, or subdued England by the Sword, (Qui Angliam Bello sibi subjugavit) and adhering to Robert Curthose Duke of Normandy, claiming the Kingdom of England (De Jure paterno) by

[9] Ibid. n. 30. 40. 50.

O o o Right

Right from his Father, against Henry his younger Brother, who was taken prisoner in the Battle between them at Menerchepay in Normandy, and kept in prison to the end of his Life; as also was Robert de Guineberf, whose Barony King Henry gave to Nigel de Alverp, the great Grandfather of William de Mowbray. This Barony Robert de Sturebill, Father of the said William de Stureb II, claimed in the time of Henry the Second against Roger de Mowbray, Father of the said William de Mowbray, and they came to this agreement, That Roger de Mowbray gave to Robert de Sturebill Rikebys in Dorsetshere, with their Appertinances, for Ten Knights Fees, and for the Release of his claim; but because this was not confirmed and strengthened in the Kings Court; The foresaid William Sturebill renewed the controversy concerning that Barony, in the Court of King John. And the matter had been long discussed, at length by the Counsel of the Kingdom, and Will of the King, (Constitution Regno, & voluntate Regis) Peace, and final Concord was made between them in this manner: That William de Sturebill renounced his Claim to the Barony, and William de Mowbray gave to him for his Homage, and renouncing his Right, nine Knights Fees, and twelve pounds Rent by the year, and so releasing all Plaints or Actions on both sides (Et sic remissis omnibus Querelis hinc & inde) they were made friends before King John, (facti sunt amici coram Johanne Rege Angliæ) in the Second year of his Reign at Louth in that Division of Lincolnshire, called Lindsey, on the first Sunday of Septuagesima, That is, Sunday forthnight, before Shrovefunday.

Presently after the [1] Peace before-mentioned was made between the King of France and King John, he went with a great Army into Aquitan, and found none that resisted him. [2] The same year he was divorced from his Wife Pavis; or Avis, Daughter to William Earl of Gloucester, by Elias Arch-Bishop of Bourdeaux, William Bishop of Poitiers, and Henry Bishop of Saintes, for that they were related in the third degree of Consanguinity. Being thus divorced by the advice of his Lord Philip King of France, he Married Isabell the Daughter of Armer Earl of Engoleme, whom he had first given by the request, and direction of King Richard, to Hugh le Brun Earl of Barthe; they had promised one another, and were betrothed, but because she was not of years of Marriage, Earl Hugh would not Marry her in the face of the Church; and her Father perceiving King John had an affection for her, he took her from Earl Hugh, and gave her to him, and they were Married at Engoleme, by the Arch-Bishop of Bourdeaux.

The same year [3] the Earl of St. Giles did Homage to King John, for the Lands and Castles which King Richard had given him in Marriage with his Sister Joan, so as his Son Raymond by her, should have them, and do Homage to his Uncle John, when he came to years of Discretion; and if he should de cease without Issue, then they were to revert to the Earl of St. Giles, and he and his Heirs should hold them by Hereditary Right of the Earl of Poitou, by the service of coming with 500 Knights or Horsemen to him, for one Month at his own charge, whenever he went with his Army into Gascony, but if he staid longer, they were to remain at the charge of the Earl of Poitou. From [4] thence King John went to Angers

The determination of the Controversy.

A. D. 1200.

[1] Ibid. f. 47. l. 4. King John Divorced from his Wife.
[2] Ibid. n. 10.

He is Married to Isabell, Daughter to the Earl of Engoleme.

[3] Ibid. f. 48. a. l. 5. &c. A. D. 1200. The Earl of St. Giles doth Homage to King John.

[4] Ibid. n. 10.

gers, and took One hundred and fifty Pleges or Hostages for their Fidelity, and put them in Custody, and the same year King John took of [5] Walter Arch-Bishop of Rothen * 600 pounds of Anjou Money to confirm by his Chart all those things which King Richard had given him in Exchange for Andell (to wit) The Town of Diepe, with its Appertinences, and Lobers with its Appertinences; the Forest or Wood of Alierfont, and the Mills of Robech.

The Pope sent Cardinal [6] Daavian Legat into France to hear and determine the Cause of Divorce between the King of France and his Queen Botilda, (as Hobeden calls her) The French Writers name her * Iemberg, with this direction, That first before he heard the Cause, he should compell him to put away his German Adulteress, and receive Botilda or Iemberg, and treat her like his Wife; (ut ipse imprimis ante Ingressum litis compelleret Regem Franciæ dimittere Adulteram suam Teutonicam, &c.) On the Vigil of the Nativity of the Virgin Mary, or 7th. of September, the Cardinal, the Arch-Bishops, Bishops, and Clergy of France met at Mibell, and the King of France, with his Queen, and Tentionick Lady came thither; and by the admonition of the Cardinal, and advice of his Friends he dismissed her, and received again his Queen; and then made his complaint, That she ought not of right to be his Wife, for they were near related in Consanguinity, and affirmed he could prove it to be so, and required they might be divorced. The Cardinal gave him the time of six Months, six Weeks, six Days, and six Hours to consider of it; and appointed the place of Hearing the Cause at Solissons according to the Queens desire. * France by procurement of the King of Denmark was under an Interdict for the Kings Repudiating his Queen, which, so soon as he received her again, was released by the Cardinal.

In the middle of [7] Lent next following, Philip and his Queen met again before the Legat at Solissons, and the King by his Lawyers demanded to be Divorced for the reason before-mentioned. On the Queens behalf there were present several Bishops, and other honest and discreet Men (Et alii honesti viri & discreti) sent from her Brother Emute King of Denmark, who after Security given them, that they might freely answer, allege, and safely return home; they said the King of France had sent to the King of Denmark, to desire his Beautiful Sister in Marriage, and that she might be sent to him, which by advice of the Great Men of his Kingdom was done. That the Messengers which came for her did swear on behalf of the King, and for themselves, That she should be honorably used as a Queen, and of this they could produce his Chart, and the Charts of the Great Men that came for her, and therefore Appealed them of Perjury and breach of Faith before the Pope. They also Appealed from Cardinal Daavian the Judge, to the Pope, for that he was related to the King of France, and would favour his Cause; and the Queen likewise Appealed, which when Daavian had heard, he desired them to stay a while until his Colleague came, that was joyned in Commission with him from the Pope, and he should hear and determine the Matter; after three days he came, and did hear it, and found no cause of a Divorce between them, of which the King of France having notice, and that he would give a definitive Sentence against

[5] Ibid. n. 10. * l. c. 100 l. English.

[6] Ibid. f. 461. n. 1.

* Happily she might have two, and both these Names: du Serres call her Gelberge; Rigord calls her Tjamburg

King Philip received his Queen again

* Ibid. n. 10. The Interdict released.

[7] Ibid. f. 482. b. n. 20. King Philip demanded to be Divorced.

He could not obtain it.

against him, he departed before he had pronounced it, and carried his *Queen* with him, and put her into more streight Custody than before.

[8] Ibid. f. 4. 1. a. r. 30. 40.
King John and Queen Isabel Crowned.

In the [8] moneth of *October* King John having settled his affairs in *Norman* and his other Transmarine Countries, came into *Eng-* land, and brought with him *Isabel* his Wife, and upon the eighth Day of that Moneth they were both Crowned at *Westminster* by *Hubert Arch-Bishop* of *Canterbury*.

[9] Ibid. b. lin. 4. & n. 10. 20. 30. 40.
He sends to the King of Scots to meet him at *Lincoln*.

Presently after his [9] Coronation King John sent *Philip Bishop* of *Durham*, *Roger Bigot Earl* of *Northfolk*, *Henry de Bohun Earl* of *Hereford*, *David Earl* of *Huntington*, *Roger de Lasci Constable* of *Chesler*, *William de Melci*, *Roger de Ros*, and *Robert Fitz-Roger Sherif* of *Northumberland*, to *William King* of *Scots* with Letters Patents of safe Conduct, and to wait upon him into *Eng-* land, to meet King John at *Lincoln* on the Morrow after the Feast of *St. Edmund*; the King (*November* 21st) they met accordingly, and the next day, they came to a Treaty or Parley upon a steep Hill (*conveniens ad Colloquium super Montem arduum*) without the City, and there in the view of all the people, *William King* of *Scots* became King John's Man, or did homage to him, as it was his right, or for his right, (*Willielmus Rex Scotorum, devenit homo Regis Johannis de jure suo*) and Swore Fealty to him upon the Cross of *Hubert Arch-Bishop* of *Canterbury* to preserve his Life, Limbs, and Terrene honor against all men, and keep Peace toward him and his Kingdom, saving his own right. These being Witnesses, *Hubert* of *Canterbury*, *John* of *Dublin*, *Bernard* of *Raguse Archbishops*; *Philip* of *Durham*, *William* of *London*, *Gilbert* of *Rochester*, *Eustachius* of *Ely*, *Sabarie* of *Bath*, *Herbert* of *Salisbury*, *Godfrey* of *Winchester*, *Giles* of *Hereford*, *John* of *Northwich*, *Roger* of *St. Andrews*, *Henry* of *Lanark*, and *Roger* of *Wangor Bishops*; *Geoffrey Fitz-Peter Justiciary* of *England*, *Earl* of *Essex*, *Roger* *Bogot Earl* of *Northfolk*, *Hamlyn Earl* of *Warren*, *Baldwin de Bohun Earl* of *Albemarle*, *William Earl* of *Salisbury*, *Henry de Bohun Earl* of *Hereford*, *Richard Earl* of *Clare*, *William Earl* *Ferrers*, *David Earl* of *Huntington*, *Rolland* or *Rowland Son* of *Guereb*, *Son* of *Fergus Prince* of *Galloway*, *Patrick Earl* of *Lothian*, *Griffin Son* of *Kese King* of *Southwales*, and many others of the Kingdom of *Scotland*. And before these *Barons* of *England* and *Normandy*, *Roger Constable* of *Chesler*, *Eustachius de Melci*, *Robert de Ros*, *William de Sturebill*, *Ralph Chamberlain* of *Canterbury*, *Marin Fitz-Gerold*, *Stephan de Turnham*, * *Robert* his Brother, *Gilbert Basset*, *Thomas* and *Alan* his Brothers, *Roger* of *Huntingfield*, *Sayer* of *Quinci*, *William* of *Hattings*, *Jolan de Rebill*, *Simon de Chanet*, *Girard de Cambil*, and many other *Barons* of *England* and *Normandy*.

* Seneschal of Anjou.

[1] Ibid. n. 40.
His demands of King John.

After King [1] *William* had done his Homage, he Demanded of King John his Lord *Northumberland*, *Cumberland*, and *West-* merland, as his right and inheritance, and when they had long Discouraged the matter, and could not agree, the King of *England* desired time to consider of it until *Whitsunday* following; and early on the morrow Morning (*Novemb. 23d.*) the King of *Scots* returned toward

A. D. 1100.

toward his own Country under the Conduct of the same persons that brought him into *England*.

King John kept his *Christmas* at *Guilford*, where he distributed many fine Cloaths to his *Knights* or *Military men*. [2] The *Arch-Bishop* did the same at *Canterbury*, as it were vying and contending with him in the magnificence of that Solemnity, which nor a little moved the *Kings* Indignation. [3] After *Christmas* the King with his *Queen* went into the North as far as *Northumberland*, and made a Progress through much of *England*, and fined many men for wasting his Forests. The Historian names several particular places, and days, and nights, where the King was, and lodged, in this progress or perambulation; which takes off the incredibility of the Journey, to have been undertaken at that time of the year.

At *Easter* [4] which happened that year on our *Lady Day* the King and *Queen* *Isabel* were at *Canterbury*, and there Crowned by *Hubert Arch-Bishop* of *Canterbury* in the Cathedral, in the presence of *John Arch-B.* of *Dublin*, *William Bishop* of *London*, *Gilbert Bishop* of *Rochester*, *Eustachius Bish.* of *Ely*, and *John Bish.* of *Northwich*. [5] And presently after *Easter* he Commanded the *Earls* and *Barons* of *Eng-* land should be ready with their Horse and Arms at *Whitsunday* at *Portsmouth* to pass with him beyond Sea. The *Portsmouth* had prevailed against their Governors, and besieged their Castles; *William de Glapton Seneschal* of *Normandy*, by order of King John besieged the Castle of *Dancourt*, which King *Richard* had given to *Ralph de Monson Earl* of *Dur.* Brother of *Hugh de Brun*. But *Philip* King of *France* hearing of the King of *England's* preparations, raised the Sieges before he came into *Normandy*. [6] In the mean while the *Earls* of *England* met at *Leicester*, and by Common Agreement sent to the King, "They would not go with him beyond Sea, unless he would Restore to them their Right." [7] *Mat. Paris* says they came at the appointed time, and many for leave to stay at home, gave the King two Marks in Silver for every *Knights* Fee.

At *Whitsunday* [8] or some time before King John sent *Geoffrey Bishop* of *Chesler*, *Richard Boleville*, and *Henry de Puteard* (*Putley*) to the King of *Scots*, That the time of Giving his Answer about *Northumberland*, &c. might be put off until *Michaelmas*; [9] In *Whitsun* week he and his *Queen* Sailed from *Portsmouth*, and landed in *Normandy*; and presently there was a Treaty between him and the King of *France* near the *Isle* of *Andeli*, and they agreed well between themselves, no man knowing the subject of their Discourse, and within three days King John was invited by the King of *France* to his Palace at *Paris*, where he was splendidly and honorably entertained; from whence he went to *Chinon*; [11] where came to him *Queen* *Berengara* the Relict of King *Richard*, to whom upon the Testimony of *Philip Bishop* of *Durham*, and others that were present at her Marriage, he gave her during Life the City of [2] *Sapeur* with its Appurtenances, two Castles in *Anjou*, and a 1000 Marks Sterling every year, 500 to be paid at the *Exchequer* in *England*; and 500 at the City *Caen* in *Normandy*, for her Dower.

[1] Mat. Paris f. 205. n. 50. Hoved. f. 464. b. n. 10.

[3] Ibid. & 20. 30. A. D. 1101. King John and his Queen made a progress through most of *Eng-* land.

[4] Ibid. f. 465. b. lin. 1.

[5] Ibidem. lin. 6. He Summoned his Earls and Barons to be ready with Horse and Arms to go with him over Sea.

[6] Ibidem. n. 10. They refuse unless their Rights be first restored. [7] f. 105. lin. 8.

[8] Ibid. Hoved. f. 466. a. lin. 1.

[9] Ibid. n. 10. He passes over into *Norman-* dy, and treats with King *Philip*.

[11] Ibid. & n. 20.

[12] Ibid. f. 467. b. n. 30. He gave *Berengara* King *Richard's* Relict, a large Dower.

King

* Ibid. f. 468. n. 30. 40. His Design to Appeal the Barons of Poitou of Treason.

King John had a Design to * Appeal the Barons of Poitou for Treason against his Brother Richard and himself; and had hired many men, who had been taught the Art of Duelling; (who without doubt he intended should Appeal them, or at least be his Champions,) *Sed Barones Pirabie inde premoniti ad Curiam illius venire Noluerunt, Dicentes, Quod nemini Responderent nisi patri suo.* But the Barons being forewarned; would not come to his Court, saying they would answer to no man (that is, fight with no man) but their Peers or equals, and so his Design came to nothing; and the Poitovins by that project were made more his Enemies than before; and to Repress their Violence, he appointed Robert de Curnham his *Senechal* or Lieutenant of that Country.

[1] Ibid. n. 20.

This Year Hugh Bardolf, and [3] other the Kings Justices went to Boston Fair, intending to Seize to the Kings use all Woollen Cloaths that were not two Ells within the Lists according to King Richards Assise or Statute. The Merchants so prevailed with the Justices, that their Cloaths were not Seized, nor the Assise of King Richard to be kept concerning the Breadth of Cloath, or the Measure of Grain, so as for the future they might make their Cloaths as Broad and Narrow as they pleased; from whence to the Damage of many, the Justices procured a great Summe of Money to the Kings use.

King Richards Assise for the Measure of Cloath and Grain made void by the Justices.

[4] Ibid. f. 466. n. 20.

The Pope wrote to the Clergy to Contribute to the Relief of the Holy Land [5] Ibid. f. 470. n. 40. He sent to the same purpose to the King of England and France.

[6] Ibid. f. 471. n. 30. King John granted a fortieth part of his Revenue for one year.

[7] Append. n. 80.

[8] Mat. Paris. f. 109. lin. 20. King Philips Demands refused by King John.

In Lent the Year following, the two Kings [8] Parleyed near the Castle of Coleton, where the King of France armed with mortal hatred against the King of England, in Scorn commanded him forthwith to Deliver to Arthur Earl of Britany, Normandy, Courain, Anjou, and Poitou, and Exacted of him many other things which King John refused to do. The day following, the King of France attacked the Castle of Surabant, took and Demolished it, from

from whence he went to Ou and took that Town, with the Castle of Lim's, and many other Castles: Rasepoint Castle seated upon the River Andell in Ceuxin he Besieged Eight Days, and hearing the King of England was coming toward him, he left it; but within few days after took the Town of Gournay, and then returned to Paris, [9] and sent Arthur, and the Governors he placed over him with two hundred French Knights into Poitou to subdue that Country, or by hostile incursions to make it submit to him; in their March they were told Queen Alienor Mother to King John, was in the Castle of Birebeau, with a small Company, they besieged and took it; but the Tower in which the Queen was they could not obtain, those few that were in the Castle having retreated thither. Here came into Arthur all the chief men, and more noble Knights or Military men of Poitou, especially, Hugh le Brun Earl of March, who was a public Enemy to King John, in Respect of Isabel his Queen, to whom he had been contracted before he married her. They made up together a great Army, and made sharp assaults upon the Tower.

He besieged, took, and demolished many of King Johns Towns and Castles.

[9] Ibid. n. 10, 10.

Queen Alienor reduced to great distress by Arthur.

[1] Ibid. n. 30. She sends to her Son for speedy relief. The French and Poitovins put to flight. Arthur and all the Nobility of Anjou and Poitou taken Prisoners.

[2] Ibid. n. 40.

The King of France had Besieged the [2] Castle of Arches, and Dattered it fifteen days, but hearing of Arthurs misfortune, he raised the Siege and went to Paris, and did nothing more that Year.

After a short time King John went to [3] Salais and caused his Nephew Arthur to be brought before him. Many fair words he gave him, and promised him many Honors to quit the King of France, and stick to him as his Lord and Uncle, but he answered him with Disdain, and with threats Demanded the Kingdoms of England, and all the Dominions King Richard died possessed of, as his right of Inheritance, and Swore he should never enjoy Peace unless he Restored them. King John very much troubled at his Demands, sent him to Roben to be made close Prisoner in the new Tower, where he suddenly vanished. [4] And it presently began to be the Opinion of France, and the suspicion of all Transmarine Countries, That King John Killed him with his own hands; whence many were averted from him, and pursued him with an irreconcilable Hatred.

[3] Ibid. n. 40. Arthur Demands the Kingdom of England of King John his Uncle.

He is sent Prisoner to Roben and never heard of more

[4] Ibid. f. 108. n. 101

This Year the King caused to be proclaimed [5] a legal Assise of Bread, to be inviolably observed under pain of Piliory, as it was tried and approved by the Baker of Geofry Fitz Peter Justiciary of England, and it was to be so as the Bakers might gain in every Quarter

[5] Ibid. n. 20: n. D. 1201. A legal Assise of Bread to be observed.

The weight of Bread proportioned to the price of Corn.

[6] Ibid. n. 40, 50. A. D. 1203. King John's Luxury and Negligence.

The English Nobility obtain leave to go home. [7] f. 209. lin. 2.

King Philip Besieges and takes his Castles and Towns.

[8] Ibid. 10. 20. Normandy and his other Transmarine Dominions left without Defence.

ter three pence. Besides the Bran, and two Loaves at the Oven, and four Half-peny's for four Servants, and for two Boys one Farthing; and an Allowance for Salt an half-peny, and for Yest or Beer-good an Half-peny, for Candel a Farthing, for Pagots three pence, and for Bulter and Sieve an Half-peny. And according to this gain and allowance, when Wheat was at six Shillings the Quarter, a Farthing White-Loafe well Baked was to weigh sixteen shillings, and a Farthing Loaf of the whole grain as it came from the Mill, was to weigh twenty four shillings; when Wheat was at Eighteen pence the Quarter, then a Farthing White-loafe was to weigh sixty four shillings, and a Farthing loafe of the whole Grift as it came from the Mill was to weigh ninety six shillings. This is the highest and lowest price of Wheat mentioned in the Historian; and the intermediate weight of Bread was proportionate to the intermediate price of Wheat, and the Assise did rise and fall, as the price of Wheat did rise and fall, according to six pence in every Quarter; and this Assise was Proclaimed through the whole Kingdom.

The King kept his [6] *Christmas at Caen in Normandy*, where laying aside the Thoughts of Warlike attempts, he Feasted splendidly every day with his Queen, and lay in Bed till Noon, *ubi postpositis incursonibus Bellicis, tum Regina Epulabatur quotidie splendide, somnosq; matutinales usque at prandendi Horam protraxit.* After Easter the King of France raised a great Army, and took many of his Castles; The places of strength he kept up, the others he levelled with the ground. King John was told what the King of France had done, he only Replied, *let him alone, whatever he now takes, I will one day have again.* The English Earls; Barons, and other Noblemen, hearing what he said, and observing his irremediable Sloth, obtained [7] leave to go home, and left him but with few Knights or Military men in Normandy. Hugh de Gournay yielded to the King of France the Castle of Montfort with the whole Honor, which King John had given unto him, who remained all this time secure at Roben, so as people said he was bewitched, *ita quod ab omnibus diceretur ipsum fore sortilegis & maleficiis infatuatum*: For he was as brisk and merry as if he had lost nothing, nor no ill had happened to him. The King of France proceeds, and invests Le Chateau du Clau de Ruil within the Jurisdiction of Roben with a mighty Force: Robert Fitz-Walter, and Saher de Muincy, in whose keeping it was, delivered that Noble Castle so soon as he appeared before it. Normandy being defenceless, [8] and his other Transmarine Dominions, the King of France went where he would without Contradiction, and received many Castles under his power and protection. At the same time he besieged the Excellent Castle upon the Rock in Andeli which King Richard Built: But by the incomparable Courage and Fidelity of Roger de Lasci, to whose Defence the Castle was Committed, he prevailed little against it. *Sed probitate Rogeri de Lasci & fidelitate incomparabili, in illa obsidione parum profecit.* In this Juncture some Normans revolted from the King of England, and others dissembled and staid with him.

King

King John [9] seeing his Condition, and that he had no force to support him, Shipped himself and Landed at Portsmouth, (*in die Sancti Michaelis*) on the 6th of December, and then accusing the Barons that they had left him amongst his Enemies beyond Sea, and that through their neglect he lost his Castles and Territories there. He took of them the seventh part of all their moveables. Neither did he in this Tax spare Conventual, or Parochial Churches.

For he had, (saith the Monk) [1] those who Executed this Rapin upon the Ecclesiastics, Hubert Archbishop of Canterbury; and upon the Laics Geoffry Fitz-Peter Justiciary of England, who spared no man in this Execution. (*Qui in Executione dicta Nulli pepercerunt.*)

The King of France taking his [2] advantage when King John was absent, came with great Force before the several Cities and Castles of his Dominions, declared to the Citizens and Castellans their King had left them, and that he was chief Lord of their Countries, and seeing the King of England had deserted them, he must preserve the principal Dominion, that was his own, from injury; and therefore friendly desired them to receive him as their Lord, when they had no other. And if they would not submit to his Proposition; he Swore if they fought against him, and were subdued, he would hang or slay them all. At length after many disputes, they unanimously consented they would give Hostages for one years Truce; and if the King of England Relieved them not, in that time, they would recognize him their Lord, and render their Cities and Castles to him.

On the Morrow after [3] Epiphany or the 2d of January, the King and great men of England Convened in Parliament at Oxford, in *Crasino Circumcisionis Rex & Magnates Anglia conveniunt ad Colloquium apud Oxonium*, where was granted to the King a Military Aid of two Marks and half of every Knights Fee, nor did the Bishops or Abbots, or Ecclesiastic persons depart without promise of the same.

The Knights that were in the City of [4] Roben, and Burgeses entered into Covenants with the King of France, Dated June 1. and gave 40 Hostages for the performance of them, That if the King of England did not make Peace with the King of France according to his liking, or remove him from the place where he was, (before Roben) within 30 days, they would deliver the City. The Covenants are long, and contain many things stipulated between the King of France, and the Knights and Burgeses, which were to be performed upon Rendition of the City, [5] which for want of assistance came under the King of France his power.

The Castle upon the Rock in Andeli, [6] after almost a years Siege, a great part of the Walls falling down, the Foundation having been underdugged, and the Defendants wanting Victuals, fell into the King of France his hands; But before the Delivery, Roger Constable of Cester, choosing rather to Dye with his Sword in his hand, than be starved with several other of his stout Companions, when they had not meat for one Meal left, mounted their Horses and Sallied out, and Killed many of the French, and mainteyned an obstinate fight with them before they were taken: After the Castle was

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yielded

[9] Ibid. He came into England and accused his Nobility for deserting him. He severely Taxed both them and the Religious.

[1] Ibid. n. 30. Hubert and Elix-Peter were the instruments of his Rapine.

[2] Ibid. n. 30. 40. King Philips attempt to bring his transmarine Dominions under his obedience.

Upon what Conditions they consented to yield.

[3] Ibid. n. 50. A. D. 1204. A Parliament called at Oxford, and an Aid granted.

[4] Scriptior. Norm. f. 1057. B. The Knights and Burgeses of Roben capitulate with King Philip.

[5] Paris. 211. n. 40. Roben yielded to him.

[6] Ibid. Andeli Castle Surrendered after a years Siege.

The great Courage and Bravery of Roger de Lasci.

yielded up, Roger de Laet was carried into France, but for the Courage and Bravery he shewed in the Defence of the Castle, the King commanded he should only be a Prisoner at large, *propter probitatem suam quam in Castris custodia fecerat, jubente Rege, sub libera Custodia detentus est.*

Upon this the *Castellans* and *Citizens* [7] subject to the King of England, sent to him to let him know in what Straights they were. The time of Truce was almost Expired, and they must either deliver up their City's and Castles, or permit their Hostages to be destroyed. He told their Messengers they could expect no help from him, and therefore left it to them to do what they thought best. So that for want of Relief, all *Normandy, Tourain, Anjou, and Poitou* came under the Dominion of the King of France, with their City's and Castles, except *Rochel, Coatz, and Nozys*. The King knew these things, yet lived in all delight with his Queen, and thought with her he enjoyed all things.

The next year [8] about *Whitsunday*, the King levied a great Army as if he would pass beyond Sea; he was Prohibited by the Archbishop of *Canterbury* and many others. He caused a great Number of Ships to come to *Portsmouth*; on the fifteenth of July he went on Board, with a small Company, and put to Sea; but changing his mind the third day after he Landed near *Warham* in *Dorsetshire*. [9] Upon his Return he took of the *Earls, Barons, Knights, and Religious persons*, a vast Summe of Money, upon pretence they would not follow him beyond Sea, that he might Recover his lost Dominions.

On the thirteenth of July [1] Dyed *Hubert Archbishop of Canterbury*, to the great Joy of the King, as having been suspected for holding correspondence with the King of France. [2] Before the Archbishop was Buried, some of the Monks chose their *Supprior Archbishop*, without the Kings Knowledge and sent him away privately to Rome, to procure his confirmation; when he came there, and shewed the Pope and Cardinals his Instruments of Election, and petitioned him to confirm it; He told him he would deliberate while he had more certainty of his Election.

The Monks had obliged their *Supprior* to [3] Secrefie, but so soon as he got into *Flanders* he divulged his Election, and told he was going to Rome to get it confirmed, and shewed the Instrument of the Convent testifying his Election. They having [4] notice he had Broke his Oath of Secrefie, were mightily moved against him, and sent to the King to desire his Licence to choose an Archbishop; the King gave them free leave without any Condition, but secretly let them know, That if they would choose John Bishop of *Norwich*, they would do him acceptable service. The Monks unanimously choose him, and in due form, and then sent for him to come with all speed to *Canterbury*. The King and he went to *Canterbury* together, and the next day the *Prior*, in the presence of the King and all the multitude declared John de *Gray Bishop of Norwich* duly Elected, and then the Monks placed him in the *Archiepiscopal Throne* or Seat, and the King put him in possession of all things that belonged to the *Archbishopric*. This double Election happened to be the Foundation of many great mischiefs that followed.

*The King [5] sent some of the Monks of the Church of *Canterbury* to Rome, to obtain the Popes Confirmation of the Election, at the

[7] Ibid. n. 50. & f. 11. l. 1. King John denies Relief to his Transmarine Subjects.

They generally submit to the King of France.

[8] Ibid. n. 10. A. D. 1205. King John's policy to get Money from his Subjects.

[9] Ibid.

[1] Ibid. n. 30. Hubert Archbishop of Canterbury dyed.

[2] Ibidem. The Monks choose their Supprior Archbishop without the Kings Knowledge.

[3] Ibid. n. 40. He breaks his Oath of Secrefie.

[4] Ibid. f. 213. n. 20, 30, 40. They choose the Bishop of Norwich upon the Kings recommendation.

[5] Ibid. n. 50. & f. 14. l. 1. A. D. 1206.

the same time the *Suffragans* of that Province sent their *Proctors* to Rome, who made a grievous complaint to the Pope, That the Monks had presumed to choose an *Arch-Bishop* without them, when they of Common Right, and ancient Custom (*de jure communi & consuetudine Antiqua*) ought to have been present with the Monks at the Election. They alleged *Decrees* and *Precedents*, produced *Witnesses*, and exhibited *Testimonials*; That the *Suffragans* together with the Monks had chosen three *Archbishops*. [6] The Monks on the contrary affirmed, That by ancient and allowed Custom, and by special privilege of Popes, they used to make Elections without them, which they offered to prove by sufficient Witnesses. The Allegations on both sides having been heard, and the Witnesses Examined, the Pope appointed, (the 12th of the Calends of January) or 21st of December, for pronouncing Sentence; which was in favor of the Monks; and by which he for ever [7] excluded the *Suffragans* or *Bishops* of that Province, from having any thing to do with, or share in the Election of an *Arch-Bishop*. * In the meantime, the King had very submissively Written to the Pope, not to disturb him in that right he and his Ancestors had in the Election of *Archbishops* and *Bishops*.

This [8] year on the 25th of June, King John with a great Army takes Ship at *Portsmouth*, and on the 9th of July Lands at *Rochel*. The *Pollovins* came in to him, and promised their assistance. After he had subdued a considerable part of *Poitou*, he marched to the strong Castle of *Mont-Auban*, which he Besieged, and after he had Battered it fifteen Days, took it on the first of August, and wrote to his *Justices, Bishops, and Nobility of England*, what, and how many, great and illustrious Prisoners, what Horse and Arms, and what unnumerable spoils he had taken. After this the *Religious* [9] persons of those parts mediating between the two Kings, on the Feast of *All Saints*, procured a two years Truce, so as King John returned into England, and Landed at *Portsmouth* on the 12th of December.

About this [1] time John Ferentin in the Popes Legat came into England and scraped up a great Summe of Money, and the Morrow after St. Luke held a great Council at Reading, and soon after left England.

Rigord [2] says, King Philip hearing King John was Landed at *Rochel*, Raised a great Army and Marched into *Poitou*, and fortified and Garrisoned *Pirebeau, Loudon*, and other Castles, he held in those parts, and so returned to Paris, That the *Viscount or Viccomes* of *Couatz* Confederated with King John, which caused him to return again into *Poitou*, and destroyed the Lands of that *Viscount*, and then both Armies being ready to engage, a Truce was made from the Feast of *All-Saints* for two years.

On the 2d of [3] February next following his Return, he took the 13th part of all moveables, and other things as well of *Laics*, as *Ecclesiastics* and *Prelates*, all murmuring but not daring to Contradict it: (*ex parte decimam partem ex omnibus mobilibus & rebus aliis, &c. Contra murmurantibus sed contradicere non audentibus*) only *Geoffrey A. B.* of *Both* consented not, but plainly contradicted it, and privately left England and at his departure anathematized all such as should Collect it in the Province of *Both*, and in general all invaders of the Churches possessions. The Record [4] says, this 13th was granted by the *Commune Council*, and

The Suffragans of the Province Complaint against the Monks to the Pope.

[6] Ibid. n. 10. The Monks Answer to their Complaint. The Pope pronounceth Sentence in favor of the Monks. [7] Append. N. 81. * Append. N. 82.

[8] Paris us supra. n. 20. King John Besieges Mont-Auban Castle, and taketh it.

[9] Ibidem. n. 30. A truce for two years agreed upon.

[1] Ibid. n. 30.

[2] f. 106. n. 20, 30. A. D. 1206.

[3] Mat. Paris f. 211. n. 50. A. D. 1207. 28 Feb. n. A thirteen part of all Moveables and other things levied. [4] Append. n. 83.

By whom Affessed.

[5] Paris f. 22. n. 10. 30. The Pope's initiative Sentence against both the Elects of Canturbury. He recommends Stephen Langton to their Choice.

The Monks though unwillingly choose him Archbishop.

[6] Append. n. 84. The Pope persuades King John to receive him. [7] Mat. Paris f. 23. n. 30. [8] Ibid. n. 4.

[9] Ibid. King John highly displeased with the Monks choice.

[1] Ibidem. n. 50. * He was Sheriff of Kent.

The Monks forced to leave their Monastery.

[2] Ibid. f. 22. n. 1. 30. King John's resolute Letter to the Pope concerning the late Election.

and assent of his Council at Oxford; for the Defence of his Kingdom, and recovery of his right: where see the manner of *assessing, collecting and paying* it into the *Exchequer*.

All this while [5] the *Monks* and Procurators of each party who were for one Election or the other, remained at *Rome*, and the Pope observing both of them to be *vitious*, and not according to the *Canons* by advice of his *Cardinals* Nulled both; forbidding by Definitive Sentence both the Elects, That they should not aspire to the honor or Dignity of the *Arch-Bishopric*, and then persuaded the *Monks* [6] to choose *Stephen Langton* an *Englishman* and *Cardinal* their *Arch-Bishop*; who Answered, they could not make a Canonical Election without the *Consent* of the *King* and their *Convent*. The Pope told them they had full power in the Church of *Canturbury*, and that in Elections made at the *Apostolic See*, the *Consent* of *Princes* was not Expected; and then Commanded those present, being (as he said) a *sufficient number*, in virtue of their *Obedience*, and under pain of a *Curse*, to choose him *Arch-Bishop*, whom he had given them as a *Father* and *Pastor* of their Souls. The *Monks* fearing the Sentence of Excommunication although *unwillingly*, and with *Grumbling* gave their assent; only *Elias de Bantefield* amongst them all, would not *Consent*. Upon this Election the Pope Consecrated him at *Aiterbo* on the 17th of *June*.

Soon after this the Pope [6] sent King John a wheedling Letter and four Gold Rings set with precious Stones; and with them, or immediately after, another Letter [7] in which he exhorts him to receive *Stephen Langton*, (one Born in his own Kingdom) into the *Arch-Bishopric*; and while by Flattery and perswasion; he would have obtained the *King's* consent, he sent his Command to the [8] *Prior* and *Monks* to receive and obey him, as their *Arch-Bishop* as well in *Spirituals* as *Temporals*.

When the *King* received the *Pope's* Letters he was in great [9] Wroth, and indeavoured to make them *Traitors*. First, That in prejudice of his *Liberty*, without his *Licence* they had chosen their *Sup-Prior*, and afterwards, that they might seemingly satisfy him, they chose the *Bishop* of *Norwich*, and Receiving Money out of the *Exchequer*, they went to *Rome* to get that Election Confirmed, and there chose *Stephen Langton* his Public Enemy, and caused him to be Consecrated *Arch-Bishop*. [1] For this Cause in his Fury he sent *Fulk Canelup* and * *Reginald de Cornhulle*, most *Cruel Knights* and void of *Humanity* (says *Paris*) with some armed men to drive the *Monks* of *Canturbury* out of the Nation, as if they had been *Traitors*. When they came there, they threatened to Fire the *Monastery*, and them in it, if they would not depart *England*, and so affrighted them, that without any Violence, they passed over into *Flanders*; some to the *Abby* of *St. Bertin*, others to other *Monasteries*.

The *Monks* thus leaving their *Monastery*, the [2] *King* wrote to the *Pope* by his *Messengers*, to let him know what *Injury* he had done in *Cassating* the Election of the *Bishop* of *Norwich*, and consecrating *Stephen Langton Arch-Bishop*, a person altogether unknown, and one that had his Education in *France*, and Conversation there with his

his most *Public Enemy*, without his consent, to the prejudice and Subversion of the *Liberties* of his Crown, affirming he could no ways recede from the Election and Promotion of the *Bishop* of *Norwich*; and if he might not be heard at *Rome* in his behalf, he would preclude all persons from passing thither, by shutting up his *Ports*. And since he had *Arch-Bishops*; and *Bishops*, and other *Ecclesiastic Prelates* in his own Nations, abounding in all sort of *Learning*, he told him if he were forced to it, he would neither seek *Justice* or *Judgment* of *Strangers* out of them.

The Pope [3] wrote back to him, and reproved him for his *stiffe* way of Writing; yet told him (though it was not necessary in Elections made at *Rome*) that he, the *Monks*, and others had sent for his *Consent*, but their *Messengers* were stopped or otherwise hindered, so as they could not come to him, [4] and therefore advieth him to submit to his pleasure, which would be much for his *Honor*, and not *reiff* God and the *Church*, in this Cause, for which the *Blessed Martyr*, and glorious *Bishop Thomas*, (they are the *Historians* Words) *Spill his Blood*; Especially since his *Father* and *Brother* had abjured that *Evil Custom*.

The Pope [5] finding the *Kings* Heart so far hardened (*Cor Regis adeo induratum*) as not being able to prevail upon his *Courts*, *advice*, and *Comminations*, to receive *Stephen* as *Arch-bishop*, being touched with an Inward Grief of Heart, by advice of his *Cardinals* Commanded *William Bishop* of *London*, *Eustachius Bishop* of *Ely*, and *Danger Bishop* of *Worcester*, to go unto the *King*, and with a pious care and sollicitude, [6] to treat with him about the Business of the *Church* of *Canturbury*, and if they found him *Contumacious* and *Rebellious* as thitherto he had been, (*Quod si forte ipsum Contumacem, sicut Haecensis Extitit invenirent & Rebellem.*) they should Declare to him his Kingdom should be *interdicted*, and if by that he would not amend his *pertinacy*, he should press him with a more heavy hand. He wrote at the same time to the *Suffragans* of *Canturbury*, and other *Prelates* of that Province, to receive and obey him as their *Pastor* and *Arch-Bishop*.

Hereupon, The [7] *Bishops* as they were enjoined, repaired to the *King*, Supplicating him with Tears; That as he had God before his Eyes, he would recall the *Arch-Bishop* and *Monks* to their Church, Honor and Love them with perfect Charity, that so he might avoid the Scandal of the *Interdict*, (*ut Interdicti Scandalum vitare curaret.*)

The *King* condescended as far as he could to *Gratise* the *Pope*, in receiving *Stephen Langton* to be *Arch-Bishop* of *Canturbury*, upon these *Bishops* acquainting him with the *Popes Injunctions* to them, promising by his [8] Letters Patents attested by seven *Earls* and three *Barons*, above two Months before the *Interdict*, to do any thing therein, which his *Council* should think fit and reasonable, saving in all things to him and his Heirs the *Right* and *Dignity* of his Crown.

But it seems these *Terms* and *Conditions* pleased not the *Bishops*; they press him further [9] which drove the *King* into a great passion or fury, and caused him to speak *Hard words* against the *Pope* and

[3] Ibid. n. 30. 40. 50. 62. The Pope's Answer and Reproof. [4] Ibid. f. 225. n. 30. 40. The same Controversie or Quarrel between King John and Stephen Langton, that was between Henry 2. and Thomas Becket. [5] Ibid. f. 226. lin. 3. A. D. 1208. King John would not be prevailed upon by the Pope's advice. [6] Ibid. n. 10.

His Kingdom threatened to be interdicted.

His Kingdom threatened to be interdicted.

[7] Ibid. n. 10. The Bishops Solicite him to receive the Arch-Bishop.

King John's condescension to receive the Arch-Bishop.

[8] Append. n. 85.

The Bishops not pleased with the Terms offered by the King. [9] Paris ut supra. n. 20.

The King provoked to passion and threats.

and Cardinals, Swearing by the *Teeth* of God, That if they or any others whatsoever, should dare to put his Countries under *Interdict*, He would forthwith send all the *Prelates, Clerges, and Men* in Orders to the Pope, and *Consecrate* their Goods; And added, that whatever Romans he could find, he would cause their *Noses to be cut off*, and their *Eyes pulled out*, and send them to Rome; That by those marks they might be Distinguished from Men of other Nations, and Commanded the Bishops out of his presence, lest their Bodies might suffer.

[1] Ibid. n. 30.
* In prima Die lune in passione Domini : That is the Monday after the 5th Sunday in Lent. His Kingdom is Interdicted.

After these Threatning words the Bishops [1] finding no fruits of Repentance in the King (says Paris) left him, and in Lent following on the * first Monday in the Passion of the Lord (which is the Monday before Palm Sunday) and was on the 10th of the Kalends of April, or 22d of March, they Interdicted all the Kingdom of England. Then all Ecclesiastic Sacraments ceased, (cessaverunt omnia Ecclesiastica Sacramenta) except Confession and the last Viaticum, or Eucharist given to sick Dying Men, and Baptism of Infants. The Bodies of the Dead were carried out of Cities and Towns and Buried in High-ways and Ditches, without Service or the Ministry of Priests.

[2] Append. n. 86.

Whereupon the day following the King Commanded them to deliver the [2] Letters Patents he had given them, concerning what he promised in the Business of the Church of Canturbury, in which he had saved his Right and Dignity, to his Justiciary Geoffrey Fitz Peter. [3] And William Bishop of London, Eustachius of Ely, Rauger of Worcester, Jocelin of Bath, and Giles Bishop of Hereford, privately went beyond Sea.

[3] Paris fol. 246, n. 40.

[4] Append. n. 87.

The King commits the Custody of the Church of Canturbury to his Chief Clerks.

The King during this Treaty with the Bishops, to preserve the rights of his Crown, committed the Custody of [4] Christ-Church in Canturbury and all things within it, to Ralph of St. Martin, and Robert of London one of his Chief Clerges; and likewise the Custody of all the Manors with their Appertinencies belonging to the Priory, to the same Robert, and Henry de Sandwich. And committed also to the Custody of the said Ralph and Robert, and Ralph de Arden the Custody of the Manors with their Appertinencies belonging to the Arch-bishoprick, during his Royal Pleasure.

[5] Append. n. 88.

He offers to receive the Arch-Bishop, saving his own Right and Dignity. Simon Langton's insolent Reply to the King.

Also [5] during this Treaty with the Bishops, Simon Langton, Stephens Brother came to the King at Winchester, desiring him in the presence of the Bishops to admit his Brother to the Arch-bishoprick, which he offered to do saving his Right and Dignity. When the King first mentioned it, he presently replied, he (that is, his Brother) would do nothing for the King, unless he would wholly Refer himself to him; And lest upon Sinister and Partial Reports of this matter the Peoples affections in Kent especially might be alienated from the King, he wrote to them to let them know what mischief and injury he had done to him.

[6] Mat. Paris. l. 26. n. 40. The King revenges himself upon the Church and Churchmen,

The King [6] much confounded at the Sentence of the Interdict, sent his Sheriffs, and other Ministers of Iniquity into all parts of England: (Rex ob causam Interdicti mente nimis Confusus missi Vicecomes suos & alios iniquitatis Ministros in omnes fines Anglie) and Commanded every Prelate, and their inferior Clergy with

terrible

terrible Threats, That forthwith they should depart the Kingdom, and require the Pope to do him Justice for this Injury; and also put Bishopricks, Abbies, Priories under the Custody of Laymen, and Commanded all Church Rents to be Confiscated.

But in this matter the [7] Bishops were so Wary, as not to go out of their Monasteries unless Expelled by force; and the Kings Officers understanding it, would not do violence to them, nor had they Command from the King to do it. Their Goods they converted to the Kings use, and moderately provided for them Food and Rayment out of their own Estates. The Clerges Barns were every where locked up and the Grain Confiscated. [8] The Concubines of the Priests and Clerges (Presbyterorum & Clericorum Forcatia) through all England, were imprisoned by the Kings Officers, and forced to pay great Compositions for their Liberty. [9] The Religious and all Men in Orders which were found Travelling upon the Road, were thrown off their Horses and robbed and abused by the Kings Soldiers, nor was there any one to do them right. The Parents also of the Arch-bishops and Bishops, who declared the Sentence of Interdict, were spoiled of their Goods and cast into Prison. Amongst these Evils (saith Paris) the foresaid [1] Bishops remained beyond Sea, living in all manner of Delights, not opposing themselves as a Wall of Defence for the House of the Lord, but when they saw the Wolf coming they left their Sheep, and fled.

After this general Seizure of the Temporalities and Goods of the Bishops and Clergie, to such of them as submitted to the King and refused to comply with the Interdict, who celebrated Divine Service, and administered the Sacraments, the King by Special Writs [2] restored their Temporalities, Goods and Chattels, keeping in his hands the Lands and Goods of all Abbots, Priors, Religious, and Clerges, who submitted to the Interdict; nor did he seize the Lands or Goods of any other Religious Persons or Clerges, but such as [3] refused to perform Divine Service after the publishing of the Interdict, which was upon the Monday next before Palm Sunday, or the sixth Sunday or last Sunday in Lent.

And for the security of their Persons, he Issued his [4] Precept, That no Man against his Peace should abuse either Clerges or Religious, in word or deed, and if they did, and could be taken, they should be hanged upon the next Oak. Likewise for their Grain he [5] permitted all Arch-bishops, Bishops, Priors, Religious Persons, and Clerges, after their Barns were shut up, to sell it until the Feast of St. Catherine, that is, the 25th of November.

King John Reflecting upon the Circumstances he was in, fearing [6] the Pope might absolve his Subjects from their Allegiance to him, required Pledges of all the Great Men he suspected, to be delivered to him for their future fidelity; Many complied with his Commands, some delivered their Sons, others their Nephews, or nearest Relations, to the Messengers or Commissioners he sent for them, [7] Some of which coming to William de Braosa, his Wife and told them she would not deliver her Children to their Master King John, because he ought honorably to have provided for his Nephew Arthur, whom he basely Killed.

Next

[7] Ibid. He seizes their Temporalities and goods.

[8] Ib. f. 227. lio. 1.

[9] Ibid. l. 2.

[1] Ibid. n. 10.

But restored them to those who refused to comply with the Interdict. [2] Append. N. 89, 90, 91.

[3] Append. n. 91.

[4] Append. N. 93. He sent out his Precept for their Protection. [5] Append. N. 94.

[6] Paris f. 217. n. 10. He requires pledges of his great men for security of their fidelity. [7] Ibid. n. 20.

[8] Ibid. n. 50. A. D. 1109. He forces the King of Scots to receive peace.

[9] Ibid. f. 22 B. lin. 1. The Terms upon which the peace was agreed.

[1] Ibid. lin. 6. He received the Homages of all Free Tenants in the Kingdom.

[2] Ibid. lin. 8. The Welchmen came to him at Woodstock and did their Homages.

[3] Ibid. n. 10. Pope Innocent commanded the Bishops to Excommunicate King John by name.

[4] Ibid. n. 30

The Bishops in England durst not publish the Sentence.

[5] Ibid. n. 40. Geoffrey Arch-Deacon of Norwich leaves the Kings Service.

His punishment.

[6] Ibid. n. 50. A. D. 1109. Alexander Comenarius maintained the Kings cause against the Pope. [7] f. 29. n. 50.

Next Year [8] the King raised a great Army, and marched toward Scotland; and when he came to Roxburgh Castle in Northumberland, the King of Scots there met him and desired Peace; King John Reproves him for Receiving, favouring, or assisting his Fugitives, and public Enemies; but by the Mediation of Friends to both Nations, [9] they agreed upon these Terms, That the King of Scots should pay unto him Eleven thousand Marks of Silver, and that his Daughters should be delivered Pledges for the securing of Peace between them.

Afterwards [1] he received the Homages of all Men that were Free Tenants, and Boys of 12 years of Age of the whole Kingdom (suppose their Sons only) whom after they had done their Fealty, he received Kindly, and dismissed them with the Kiss of Peace. *Deinde cepit Pontificia de omnibus hominibus libere tenentibus; & etiam Duodecim Annorum pueris totius Regni, Quos omnes post fidelitatem factam, in Osculum patris accepit ac Dimisit.* [2] The Welchmen also, (which was never heard of before) came to the King at Woodstock, and did their Homages to him, although it was Burthen some as well to the Rich as Poor.

After two years [3] continuance of the Interdict, and there seemed no hopes of King Johns amendment, or his giving Satisfaction, Pope Innocent could no longer suffer his Rebellion to go unpunished, (*Papa Innocentius ipsius Rebellionem Diutius multam Dissimulare non potuit.*) whereupon by advice of his Brother Cardinals, he Commanded the Bishops of London, Ely and Worcester by name, to Pronounce him Excommunicate; That so by Publishing the Sentence every Sunday and Holy-day in all Conventual Churches through England, they might cause him more strictly to be avoided by all men; [4] But when those Bishops committed the publication of the Sentence to their Brother Bishops and other Prelates that remained in England, they all became Dumb Dogs either by favour or fear of the King, and dare not Bark, (*Effecti sunt universi metu regio, vel faro; Canes muti, non audentes Latrare.*) and therefore Dissembling to Execute what was enjoined them, they did not proceed in doing the Popes Commands according to due Form of Law. Nevertheless the Sentence was known to all men, and filled their mouths with Discourse; [5] Amongst whom Geoffrey Arch-Deacon of Norwich as he sat in the Exchequer managing the Kings business, Discouraged with his associates, concerning the Sentence pronounced against the King, saying it was not safe for Beneficed men to remain any longer in the Service of an Excommunicated King, and so departed without leave: The King having notice of it, sent William Talebot a Knight after him with some Forces, who took him, put him in Prison and in Bonds, where after a few Days, by the Kings Command he had a Leadon Cope put on, with the pressure whereof, and want of Victuals he Dyed.

In this Time of the Interdict one Master [6] Alexander, called Camenarius, a counterfeit Divine (Pseudo-Theologus) maintained the Kings Cause against the Pope; [7] Westminster says he was at Paris a famous Master, Rector, and Reader in Theology. *Parisijs celebris habebatur Magister, & Rector, & Lector in Theologia,*

ologia, and that he Defended the Kings Cause out of Ambition. And for that Reason by [8] procurement of the Pope, his Goods and Benefices were taken from him, and was reduced to so great Misery, as in a poor habit he was forced to beg his Bread from Door to Door.

In the Year 1206 Dyed [9] William Bishop of Lincoln, and this [9] year Hugh de Walle the Kings Chancellor was chosen Bishop, who obtained leave of the King to go into France that he might receive his Consecration from the Arch-Bishop of Reben. [1] So soon as he came into Normandy, he forthwith went to Stephan Langeton, performed his Canonical Obedience to him, and was Consecrated by him on the 20th of December. And when it was Known to the King, he seized the Bishopric, and confiscated the Profits: and Delivering the Seal to Walter de Gray made him Chancellor.

King John kept his Christmas at Windsor, [2] where all the great men of England attended upon, and conversed with him, notwithstanding the Sentence of Interdict, but whether out of Loyalty or Fear it remains Doubtful. The Historian says, (*Omnibus sese subtrahentibus Rex nocte in stabatur*) the King sat upon the Skirts of all such as withdrew or absented themselves.

This year the [3] King passed over with an Army into Ireland, and having [3] disposed all things according to his mind, returned and Landed in England on the 30th of August, and making great speed to London, caused all the Prelates of England to appear before him. Upon this [4] general Summons there came Abbats, Priors, Abbesses, Templars, Hospitaliers, the Guardians of the Towns of the Order of Clugny, and other Transmarine Aliens of what Order or Dignity soever, who were all forced to so great a Composition, as it was Reported the Summe amounted to an hundred thousand pounds Sterling. And the White Monks only, all other excepted, were forced to pay to the King 40000 l. of Silver.

The King [5] Summoned a great Army to meet him at Whitchurch in Shropshire, with which on the eighth of July he marched into Wales as far as Snowdon, and carried all before him; the Kings and Nobles he subdued without Resistance; for their future subjection he received twenty eight Pledges. And having passed all over that Nation, came back to Whitchurch on the 15th of August, and proceeding from thence to Northampton, where the Popes Nuncio Pandulph, and Durand a Templar met him, who came into England to make Peace between the Secular Government and the Ecclesiastic. (*Qui ad hoc venerunt, ut pacem inter Regem & Sacerdotium Reformarent*). At the Request of these men the King [6] freely granted that the Arch-Bishop of Canterbury, and the Monks, and all the Proscribed Bishops, might return in Peace and Security to their own places. But because the King would not make satisfaction for the Damages done to, and the Goods of the Arch-Bishop and Bishops, which were Confiscated. The Treaty came to nothing, the Nuncio and his assistant returning into France. [7] So soon as they were gone the King took of those Military men that were not present in the Welch expedition for every Knights Fee two Marks of Silver.

[8] Paris f. 229. lin. 6. His Goods and Benefices taken from him.

[9] Mat. West. f. 169. n. 10. & f. 168. n. 50.

[1] Mat. Paris f. 229. n. 10.

[2] Hugh Bishop of Lincoln received his Consecration from Stephan Langeton. The King Seized his Bishopric.

[3] Ibid. n. 10. n. D. 1110. The great men attend upon the King notwithstanding the Interdict. [3] Ibid. f. 230. lin. 6. & n. 20.

[4] Ibid. & n. 30. He Summons all the Prelates of England to appear before him. All Ecclesiastics forced to a Composition.

[5] Ibid. n. 40. A. D. 1211. He raised a great Army, and Marched into Wales.

He subdued them and received Pledges for their obedience.

[6] Ibid. n. 50. This willingness to receive the Archbishop and all the proscribed Bishops.

[7] Ibid. He taxed those that did not go with him in his Welch expedition.

[8] Ib. f. 331.
lin. 1.

A. D. 1211.
Reginald Earl
of Bologn
He is kinly
received by
King John.

[9] Ibid. l. 7.
O. Tho. Walsin.

Hypodig. Neul
f. 460. n. 20.

[1] Paris.
231. ff. 10.

The Pope ab-
solveth all his
Subjects from
their Allegi-
ance.

[2] Ibid. n. 30.
A. D. 1212.

[3] Ibid.

[4] Ibid. n.
40.

The Welch
make Incu-
rions into Eng-
land.

[5] Ibid.
King John
Hanged the
Welch Hosta-
ges.

[6] Ibid. n. 30.
He hath ho-
dice of a Con-
spiracy against
him, but
slights it.

[7] Ibid. f.
231. lin. 1.

[8] Ibid. lib. 3.
At length he
was convinc-
ed, and sent
to his Great
men for Plea-
ges.

Some sent
their Sons, &
others refu-
sed and fled.

About [8] this time **Reginald de Domino Martino** (*Dan. Martin*) Earl of **Bologn** was thrust out of his *Earldom*, and deprived of all his Goods by the *King of France*, who gave it to his own Son **Philip** in perpetual right, with the Daughter and Heir of that *Earl*, who came into *England* and was Honorably received by *King John*, by whose Bounty he received 300 *l.* a Year in Land, and did Homage and Fealty to him. [9] **Leolin Prince of North Wales** made some incursions into *England*, but was repelled and forced to subjection.

The Pope [1] much admiring the *Contumacy* of *King John*, That he would not comply with the *Dictates* of his *Nuntio*, absolved all his Subjects high and low, from their *Fidelity* and *Subjection* to him, Forbidding all and singular under the pain of *Excommunication*, strictly to avoid him at his *Table*, in *Council*, *Discourse* and *Conversation*.

At Dinner on [2] Mid-Lent Sunday the *King* knighted **Alexander** the *King of Scots* Eldest Son and Heir. And about that time **Ranger** [3] *Bishop of Worcester* Dyed at the *Abby of Pontigny* in *France*.

Nor long after [4] the *Welch* made hostile irruptions, and took several Castles in *England*, and cut off the heads of the Defendants, burnt many Towns, and returned with great spoils into their own Country. The *King* was much moved at this action, and levied a great Army (*exercitum innumerabilem*) of *Knights*, and ordinary Horse and Foot, resolving to harraill all *Wales*, and exterminate the Inhabitants, and in Revenge [5] Hanged up the twenty eight *Hostages* or *Pleges* he had Received the year before. Just as he was ready for the Expedition, he received [6] Letters from the *King of Scots*, and his Daughter Wife to **Leolin King of North Wales**, and others of a *Traiterous Conspiracy* formed against him, all which he neglected and slighted, and went on to *Chester*, where again he received Letters, [7] That if he Marched forward, he would either be *Slain* by his *Noblemen*, or delivered to his Enemies to be Destroyed. At these Repeated Letters he was much Troubled, and when he understood his great men of *England* were absolved from their *Obedience* and *Fealty*, he gave more Credit to the Letters. [8] *Atq; cum intellixisset Bagnates Anglia a sua esse fidelitate absolutos, majorem literis sibi destinatis fidem adhibuit*) And then changing his *Design*, Disbanded his Army, and came to *London*, and sent his *Commissioners*, to all the *Great Men* he suspected to send him *Pleges*. That thereby he might know who would or would not obey him. Those who dare not resist the *Kings* Commands, sent their *Sons*, *Nephews*, and *nearest Relations*, That so they might in some measure appeale his indignation. But **Eustachius de Uesli**, and **Robert Fitz Walter** being accused of the *Treason*, fled out of *England*, **Eustachius** into *Scotland*, and **Robert** into *France*.

Some

Some while after, one [9] **Peter an Hermite** in the *Diocess of Bosh* (after he could not see the *Pope* would Depose *King John*) Prophesied that before *Ascension Day* he should be no *King*: much Credit was given to what he said, notwithstanding the *King* kept him in Bonds, and Close Prisoner. And (the [1] Monk says) the *King* Defiled many *Noblemens* Wives and Daughters, laid great Taxes on others, and Confiscated the *Estates* of others, so as he made to himself almost 10 many *Enemies* as there were *great men*. And therefore at this time, [2] when they knew themselves absolved from their *Fealty* and *Allegiance*, they rejoiced much: (and says the Monk further) if common fame was to be credited, they every one sent the *King of France*, a [3] *Chart* Sealed with their Seals, That he might safely come into *England*, receive the *Kingdom*, and be Crowned with honor and glory.

About this time [4] **Stephan Archbishop of Canturbury**, **William Bishop of London**, and **Eustachius Bishop of Ely**, went to *Rome*, and informed the *Pope* of the many *Rebellions* and *Enormities* *King John* had committed since the *Interdict* (*interimnt Pappa multimodis Rebelliones, & Enormitates quas fecerat Rex Anglorum Johannes*) lifting up the hand of oppression and Cruelty against *God* and *Holy Church*; and therefore humbly supplicated him in this Extremity to commiserate and assist the *English Church*. The *Pope* was very Sorrowful, when he had heard their Narrative, and by advice of his *Cardinals*, *Bishops*, and other wise men, [5] he pronounced the *Sentence of Deposition* against *King John*, and ordered a more worthy person to succeed him; and wrote to **Philip King of France** to put this *Sentence* in Execution; and that he might undertake it, he granted to him the *Remission* of all his sins, and the *Kingdom of England* to him and his Successors in perpetual right, when once he had *Dethroned* and expelled him. *Ad hujus quoq; sententie executionem, scripsit Dominus Pappa, potentissimo Regi Francorum Philippo, Quatenus Remissionem omnium suorum peccaminum, hunc laborem assumeret, & Regem Anglorum a Solio Regni expulso, ipse & successores sui Regnum Anglia jure perpetuo possiderent.*

He [6] wrote also to all *great men*, *Knights*, and other *Warriers* of divers Nations, That they should undertake the *Crusado*, (*ut scilicet Cruce signarent*) for the *Dethroning* of the *King of England*, and follow the *King of France* the General in this Expedition, and labor to vindicate the Injury done to the *Universal Church*, and Decreed that whosoever should contribute either Money or other assistance, toward the subduing of that *Contumacious King*, should remain secure as well in their Goods as persons, and in the *Suffrages* of their Souls, or Prayers for their Souls, in the *Peace* of the *Church*; as those who visit the *Sepulchre* of the Lord. *Sicut illi qui Sepulchrum Domini visitant, Tam in Rebus, quam in personis, & animarum suffragiis in pace Beati se securi permanent.* [7] And with this Commission and Instructions he sent **Pandulph** his *Nuntio*, with the *English Bishops*, that in his presence they might be executed.

But when [8] they were all gone out, **Pandulph** asked the *Pope* privately what he might do, if the *King of England* should repent, and make satisfaction to *God* and the *Roman Church*, and all others concerned in this business? He presently gave him a *Form of Peace*, to which if the *King* would assent, he might find favor at the *Apostolic See*.

Q q q 2

In

[9] Ibid. n. 10.
Peter the Her-
mite his Pro-
phesie.

[1] Ibid. n. 10.
King John
dissolute Life.

[2] Ibid. cm.

[3] Ibid. n. 30.

[4] Ibid.
A. D. 1212.
The Bishops
inform the
Pope against
the King.

[5] Ibid. n.
40.
The Pope pro-
nounces the
Sentence of
Deposition.
And writes to
King Philip to
put it in Exe-
cution.

[6] Ibid. n. 50.
The Popes
zeal to have
King John de-
throned.

[7] Ibid.
Pandulph sent
into England.

[8] Ibid. &
f. 333. l. 1.

[1] Ibid. n. 10.
ann. Dom.
1113.
The English
Bishops pro-
nounced the
Sentence in
France.

They exhort
King Philip to
execute it.
He accordingly
prepares to
go into Eng-
land.

* *Da Fres*
says, these
words, *sub no-
mine Calver-
tagii*, are of
the same in-
terpret with *sub
Papa Confes-
sionem*.

[1] Ibid. n. 40.

[2] Append.
N. 91.

[3] Paris 334.
n. 10, 20.
King John's
preparation
to oppose
King Philip.

a.

[4] Ibid. n. 303.
40, 40.
Pandulph af-
frightheth King
John.

* *Hypodigm.*
Neustria.

King Philip
prepares a
great Navy.

The English
blocked up
his Ships in
Dun.

In January [9] next year **Stephen Arch-bishop of Canterbury**, **William Bishop of London**, and **Eustachius Bishop of Ely**, in a Council in France before the King, Bishops, Clergy, and Laity solemnly promulgated the Sentence that had been pronounced against the King of England for Contumacy, and then exhorted the King of France and all with him, and for the Remission of their Sins enjoined them to *Dispose King John*, and set up another by the Popes Authority. He had now what a long time he desired, and prepares accordingly, and commands all the men under his power, that is to say, *Dukes, Earls, Barons, Knights, and Esquires*, to be ready with their Horse and Arms at **Robin** eight days after Easter, *Rex Francorum omnes sine distinctione* *hominum, duces, videlicet, Comites & Barones, Milites & servientes cum equis & armis, &c.* under the Disgrace of being reputed *Turn-tails or Run-aways*, (*sub nomine * Culbertagii*) or least they should be disinherited as Traytors. At the same time he caused all the Ships of his own Nation, and many others, to be Equipped, Armed and Victualled.

King [1] John having notice of this great preparation against him beyond Sea, took care to prevent the Danger of it, by fitting up all the Ships in all the Ports of England, and by sending to all the [2] Sheriffs of every County of England to summon all the *Earls, Barons, Knights, and all Freemen and Esquires or Sergeants*, whoever they were, and of whomsoever they held, who ought to have, or could have Arms, and who had done *Hommage and Ligeance* to him. [3] There were several Rendezvous at **Dover, Feversham, and Ipswich**, where the numbers were so great as they wanted Victuals; therefore the unarmed multitude was sent home, and the *Knights, Esquires, Freemen, Cross-Bow-men and Archers* staid upon the Coast. The Bishop of **Exeter** came out of **Ireland** with 500 Soldiers, and many Horse to the King, and was kindly received. The whole Force that was Mustered upon **Batham Down**, consisted of sixty Thousand strong well armed men. He designed also to way-lay the *French Fleet*, and fight them with his Navy which was greater and stronger then that of France.

While **King [4] John** expected the arrival of the King of France upon the Coast of Kent near **Dover**, **Pandulph** sent two *Templars* to let the King know he would speak with him, by whom the King desired he would come to him with speed. They met at **Dover**, when **Pandulph** tells him, what a vast Navy and Army the King of France

a. The French Historians *Guo and Meseray* and our ** Etassingham* in this Year 1113. say that of all the Nobility of France, *Armand Earl of Flanders* only refused to assist the King of France in this Expedition, so that he refused before he took Shipping, to put him into a Condition not to be able to hurt him. He subdued the Towns of *Lyre, Salis, and all the Country to Bayeux*, which he took also, and Besieged **Canr**, at which time his Navy which consisted of *seventeen Hundred Ships*, as many of it as could put into **Dun**, the other lay upon the Coast. Mean while the English Fleet put to Sea under the Command of the *Earl of Hologne*, and *William Countess Earl of Bathurst* the Kings Brother, which took all those which lay upon the Coast, and Besieged the Town of **Dun**, with the Ships in the Harbour. The King of France leaves **Canr**, and beats them on Shore, and killed Two thousand, nevertheless, they keeping the Sea, the French Vessels could not get out without falling into their hands, and therefore the King of France caused the Furniture to be taken out, and all the Ships to be burnt, and afterward Fired the Town of **Dun**.

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had at the Mouth of the River **Seyn**, ready to set Sail, and take possession of his Kingdom, and doubted not but to make short work of it; having as he boasted, *Charters or assurances* from most of the great men of England of their Fidelity and obedience to him.

Being [5] Terrified and Confounded with this News, **King John** by the perswasion of **Pandulph** submitted to the form of Peace as it was drawn up by the Pope, in which he swore to stand to the Commands of the Pope before his Legat or Nuntio, in all things for which he had been Excommunicated, and to make full *Reparation and Recompence*, for all things which had been taken away from the Clergy or Laity by reason of the *Interdict* or present Quarrel; and to pardon and receive into favor nor only the proscribed Bishops, the Prior and Monks of **Canterbury**, but also **Robert Fitz-Walter**, and **Eustachius de Clesey**, and all other Clerics or Laics concerned in it.

That he would cause his [6] Letters Patents to be made, by which he would confirm these things, and cause as many Bishops and Barons, as the Arch-Bishop and Bishops should choose, to swear, and give their [7] Letters Patents for the security of the Peace. And that if he, or any others by his Order should violate this Agreement, Then those Bishops or Barons, on behalf of the Church, should adhere to the Popes Commands against them, and that he would for ever lose the Custody of vacant Churches. And obliged himself to [8] send all these Letters of Security for performance of these things, to the Arch-Bishop and Bishops before their Return into England. And further upon this Agreement he was forced to disclaim his right to *Out-Law* any Clergy-man, as appears by his Letters Patents in the Appendix, N. 106.

The greatest part of the Form of Peace Drawn by the [9] Pope, or his Order was the Resignation of his Crown, and the form of his Doing Homage to him; For his Offence was so great against God, and his Mother holy Church, That nothing but Granting his Kingdoms of England and Ireland to the Pope, and making them St. Peters Parimony, and becoming his Vassal could expiate it. And he must also declare, That he did all this freely and voluntarily by the advice of his Barons, and not compelled by fear or force of the *Interdict*. [1] And after he had given away his Crown and Kingdoms, and done Homage to the Pope, he took them again in Fee to hold them of him by Homage and Fealty, and a thousand Marks by the year Rent for all other Services, That is 700 Marks for England, and 300 Marks for Ireland. [2] Saving to him and his Heirs the power of Executing all Justice, and Creating Justices, and all their Liberties and Royalties, *Salvis nobis, & heredibus nostris, Justiciariis, Libertatibus & Regalibus nostris*. Two or three Exemplars of this Grant of the Crown and kingdom are to be found in the Appendix at the Numbers last mentioned.

This

[5] Ibid. & f. 235. lin. 1. & n. 10, 10. A. D. 1113. He submits to a Form of Peace drawn up by the Pope.

[6] Append. N. 96.

[7] Append. N. 97.

[8] Paris f. 235. lin. 46.

[9] Append. N. 98.

[1] Append. N. 99.

[2] Append. N. 100.

[3] Paris f. 137. n. 40. Pandulph returns into France with 8000 l.
[4] Ibid.

This done, and the *Charts*, or *Letters Patents* of the Grant delivered to Pandulph, he returned into [3] France with 8000 l. Sterling part of the Restitution-money for what had been taken from them, which was to be paid to the *Arch-bishop* and *Bishops*: The *Monks* of *Canterbury*, and others, which were in Exile, by reason of the *Injuried* [4] the Tenor of the *Charts*, and form of Peace pleased them all; and Pandulph earnestly persuaded them to return into England, and receive the remainder of their Money, that should be adjudged to them for their Losses.

[5] Ibid. n. 50. He advised the King of France to desist from his purpose.

He went from them and applied himself to the [5] King of France, who was ready with an Army to invade England, and advised him to desist from his purpose, for that now he could not prosecute his design without offending the Pope, seeing King John was ready to make satisfaction to holy Church, and obey the Popes Catholic Commands. The King was not well pleased with what he said, and told him he had expended more than Sixty thousand pounds in Arms, Victuals, and sitting out of Ships, and had undertaken the enterprize at the Popes Command for the remission of his sins; and indeed he would not have much valued what Pandulph said, if it had not been for the [6] Earl of Flanders, who refused to follow him, or joyn in this Expedition, with whom he was confederated, and would not forsake his Engagement.

[6] Ibid. f. 138. lin. 2.

[7] Ibid. 10, 20, 30.

Paris in this [7] place reports what was noted before concerning the French Fleet at Dam, and upon the coast of Flanders, and says, when King John heard of it, he was very joyful and pleasant, and having no present fear or apprehension of danger from the King of France, he gave [8] leave to his great men and others, that lay upon the coast to depart home.

[8] Ibid. 40.

[9] Ibid. n. 50.

King John raises an Army to invade France.

His great men refuse to go unless he was first Absolved.
[1] Appendix, n. 101. He sends for the exiled Bishops to return.

[2] Paris f. 139. lin. 2.

* Ibid. lin. 9. He is Absolved.

[3] Ibid. lin. 6. His submission to the Bishops.
[4] Ibid. n. 10.

The King thought he had an [9] opportunity to recover what he had lost in France, and sets the Earl of Flanders, with the assistance of the Emperor, to invade the East part of that Kingdom, while he invaded the West, and to that purpose assembles a great Army at Portsmouth; but when they came together, the [1] Great men and Barons refused to follow him, unless he were absolved from the Sentence of Excommunication. The King much moved at this denial; [1] sent for the Arch-Bishop and Bishops, these persons following, H. Arch-Bishop of Dublin, John Bishop of Norwich, William Earl of Arundel, War. Fitz Herbert, and William Arch-Deacon of Huntingdon, in whose Commission, The King told them he had long expected and desired their coming, requesting them to make haste. Paris [2] adds, the King sent the *Charts* or *Letters* of Assurance of 24 Barons that they might return into England without the least Fear, and receive recompence for all Damages according to the form of Peace. They landed at Dover the * 16th of July, and on St. Margarets day, the 20th of the same Moneth the King was Absolved.

The Bishops that came over were [3] Stephan Arch-Bishop of Canterbury, William of London, Eustachius of Ely, Hugh of Lincoln, and Giles of Hereford. The King when he knew they were

were come, went forth to meet them, and threw himself at their [4] Feet with Tears, beseeching them to have mercy on him and the Kingdom of England. They seeing his great Humiliation, lift him up from the Ground with Tears also, leading him to the Cathedral at Winchester, where before he was Absolved he made this Oath, [5] That he would Love, Defend, and Maintain Holy Church, and the Clergy, against all their adversaries to the utmost of his power. That he would recall the good Laws of his Ancestors, and especially those of King Edward, and destroy the wicked ones; That he would Judge all his Men according to the just Judgment of his Court; and would give every man his Right. He also made Oath, he would make full satisfaction to all concerned in the Business of the Interdict, for what had been taken from them before Easter next; if not, the Sentence of Excommunication was to be renewed. Furthermore he Swore Fealty and Obedience to Pope Innocent and his Catholic Successors; as it was contained in his *Chart*.

[5] Ibid. and n. 20. His Oath before he was Absolved.

On the [6] morrow after his Absolution, he sent his Precept to all the Sheriffs of England, That they should cause to meet at St. Albans on the 4th of August, four Lawful men with the Reeve, (Quatuor Legales Homines cum Recepto) of every Town they kept in their own hands, that by those and their other Ministers, he might inquire and be informed, what Damage every Bishop had sustained, what had been taken from, and what was due to them.

[6] Ibid. He sends to all his Sheriffs to enquire what damages the Bishops had sustained.

And then he made [7] haste to Portsmouth, That he might pass into Poitou, committing the Government of the Kingdom to Stephen Fitz Peter and the Bishop of Winchester, with Direction they should order all the affairs of the Nation with the Advice of the Arch-bishop of Canterbury. [8] When the King came to Portsmouth, his Great men, Knights, and such as held by Military tenure, complained they had been there so long in expectation of their Voyage; that all their Money was spent, and unless he would furnish them out of his Treasury, they could not go with him, which the King refused to do; yet he Shipped himself with his private Family, and after three days, arrived at Jettep, his Great men returning home, and when he saw himself deserted, came back into England, so that nothing was further done in this Expedition.

[7] Ibid. n. 50. He prepares to go over Sea.

[8] Ibid. His great men excuse themselves from going with him.

While the King [9] was busied in this Affair, his Commissioners or Vice-Royes held a Council at St. Albans, with the Arch-bishop and Bishops and Great men of the Kingdom, where the Kings Peace was Proclaimed to every Man, on whose behalf the Laws of King Henry his Grandfather were commanded to be observed by all men, and that all unjust Laws should be abrogated. It was further ordered that no Sheriffs, Foresters, or other the Kings Officers, as they loved their Lives or Limbs, should Extort any thing violently from any Man, or presume to wrong any one, nor that they should make * Scotalls in any part of the Kingdom, as they used to do, (aut Scotalla alibi in Regno faciant, &c.)

[9] Ibid. n. 40. A Council held at St. Albans.

* From Scot. and Alia as tis commonly said, sed Quere. It was an abuse put upon the People by Forell Officers, who invited them to drink Ale, and then made a Collection not to vex or inform against them for pretended crimes committed in the Forest.

King John seeing himself deserted by some of the Great men, gathered a great Army together that he might force the Rebels or Refractory Nobility, to the performance of their wonted Service. (Magnam

The Arch-Bishop threatens the King if he made war upon any without the judgment of his Court.
[1] Ibid. n. 50.

[2] Ibid. f. 240. lin. 1.

[3] Ibid. lin. 6.

[4] Ibid. lin. 7.
The Arch-Bishop privately told the Great Men he had Absolved the King.

[7] Ibid. n. 10.

[8] Append. n. 101.

[9] Ibid. f. 241. n. 10.

[1] Ibid. f. 243. lin. 3.
A. D. 1213.

[2] Ibid. f. 243. n. 10. &c.
King John's offer of his Kingdom to the Emperor of Morocco, and to turn Mahometan, a malicious Calumny.

num Congregavit Exercitum; ut Rebelles ad consuetum obsequium revocaret.) When he began to raise Force to Reduce them, the Arch-bishop came to him to *Northampton*, and told him he violated the Oath he took at his Absolution, if he made War upon any one without the Judgment of his Court, (*si absq; Judicio curie sue contra Q.uepiam Belli moveret.*) [1] The King with a loud voice answered, he should not lay aside the business of the Kingdom for him, when as he had nothing to do with *Lay-masters*. Next morning early the King went towards *Nottingham*; the Arch-bishop followed him and threatned, That unless he did quickly desist, he would Anathematize [2] all those, but himself, that should take up Arms against any man before the Relaxation of the *Interdict*, by which means he caused the King to give over prosecuting the Barons by force, and left him not, until he had obtained a Competent day for them to Answer in his Court, to be Tried there. But that they were ever fummoned to, or appeared in the Kings Court, we no where find in this Kings Reign.

For probably before that time came, viz. on the 25th of August next following, the Barons by the [3] Arch-Bishops instigation, made a Confederacy against the King; For he with the Bishops, Abbats, Priors, Deans, and Barons of the Kingdom, *Stephanus Archiepiscopus Cantuariensis cum Episcopis, Abbatibus, Prioribus, Decanis, & Baronibus Regni*, met at [4] London in *St. Pauls* that day, where the Arch-Bishop so far indulged the Conventual Churches, and Secular Priests, that they might Chant their Canonical hours with a low voice, and then said *Paris* in this Colloquium or Parliament, (as it was reported) The Arch-Bishop called aside some great men of the Kingdom, and secretly told them, That he had Absolved the King, and forced him to Swear (*Apud Wintoniam, Regem Absolvi, & ipsum jurare compulerim, &c.*) That he would abolish all unjust Laws, and cause the Good Laws, that is to say, the Laws of King Edward to be observed of all men in the Kingdom; and told them, he had found a certain [7] Charter of King [8] Henry the First, by which, if they would they might assert their Liberties they had long time lost, and producing the Charter, he caused it to be read before them. And they all Swear in the presence of the Arch-Bishop [9] That upon a fair opportunity, they would strive to Death for those Liberties; And the Arch-Bishop promised them his most faithful assistance to the utmost of his power: And so the Confederation being perfected, the Conference or Parliament was Dissolved. (*Et sic Confederatione inter eos facta Colloquium solutum est.*) Not long after, on the Second day of October, dyed *Geoffrey Fitz-Peter* Justiciary of England, To the great detriment of the Nation, who I find not a party to the Confederation.

Next follows this Monks [2] story of King Johns offering his Kingdom to the Emperor of Morocco, to relinquish the Christian Religion, and embrace the Mahometan; but since he had in less time then a year before, Granted his Kingdom to the Pope, and received it again as *Fendatary* to him, and seeing in this Story he reports Robert of London, the Kings own Clerc, and one of his Envoy's sent upon this Errand to the Emperor, in his discourse with him, to have made the most horrid Invective against his own Prince and Master, that

that perhaps was ever heard. I shall pass it by as a Legend onely, as a most improbable thing, if not a malicious calumny, and false Tale raised against him to Alienate the affections of the People from him.

About Michaelmas this [3] year, Nicholas Bishop of Cusculum (now *Frascati*) the Popes Legate came into England with his Authority to compose the Dissentions between the Secular and Ecclesiastick Government, (*ut Dissentiones inter Regnum & Sacerdotium reformaret*) The Arch-Bishop of Canrurbury, with the Bishops and great Men of the Kingdom, met him at London, where in the presence of the King and Cardinals, there was a Treaty for three days (*inter Regnum & Sacerdotium*) between the Secular and Ecclesiastick State, concerning the Damages the Bishops had sustained, and what had been taken from them, at what time the [4] King offered an hundred thousand Marks to be forthwith paid as a full Restitution to the Bishops; yet so, as if it should afterwards appear by Inquisition, That the * Guardians the King had placed in Churches, or his other Officers, had taken away more, he further offered to Swear with *Fide-jussors*, or undertakers for him, That he would before Easter following by the Judgment of the Legat himself and the Bishops make full satisfaction for what had been taken from all men. [5] The Legat consented to his Proposition, and would have had it presently put in execution, and took it ill 'twas not accepted. Whereupon the Legat was suspected to favour the King, and the Bishops gave a Dilatory Answer to his Proposal, having agreed, there should first be an Inquisition made of the Damages, and what had been taken from them, and then the Value or Summe thereof to be presented to the King. He consented to their Agreement, and there was no more done that day.

On the [6] Morrow they all met in the Cathedral Church of *St. Paul*, where after many and various discourses about the Relaxation of the *Interdict*. The King before the great Altar, in the sight of the Clergy and Laity (*Coram Clero & Populo*) renewed the famous subjection of the Lordship or Dominion of Ireland, and his Crown and Kingdom of England to the Pope. [7] And the Kings Charter which was formerly sealed with Wax, and delivered to *Pandulph*, was now Bulled with b. Gold, and delivered to the Legat, to the use of the Pope and the Roman Church (*Charta quoque Regis de Qua superius diximus, Qua prius Cera signata fuit, & Pandulpho tradita; nunc auro Bullata est, & Legato ad opus Domini Papae, & Ecclesie Romane resignata.*)

b There were two Charters, the First whereof was Sealed with Wax, and delivered to Pandulph, Dated at an House of the Templers near Dover, May the 5th, in the Fourteenth of this Kings Reign, but rather Fifteenth; And this other Bulled or Sealed with a Golden Bull, or Seal, Dated at *St. Pauls* London, A. D. 1213. on the third of October, in the Fifteenth year of his Reign. They are both to be found in the Appendix, with the Popes Rescripts of the Dominion of Ireland, and Kingdom of England to King John, N. 98, 99, 100.

[3] Ibid. f. 246. n. 30.
A. D. 1213.
Nicholas the Popes Legate sent into England to take an estimate of the Clergys Damages.

[4] Ibid. n. 10.
King John's offer.
* Sac Mat. Paris. f. 245 lin. 1.

[5] and f. 247. lin. 1. &c.
The Legat accused as a favourer of the King.

[6] Ibid. lin. 7.
The King renews his subjection to the Pope.

[7] Ibid. n. 10.

Rrr But

[8] Ibid.

He offered to make satisfaction to all that were damaged, and referred it to four Barons.

But as to [8] the Restitution of what had been taken from the *Clergy*, The Third of *November* was appointed to Treat of it at *Beddinge*, and when they all met there that day, the King came not; yet they assembled at *Beddinge* three days after; upon the sixth of that *Month*, where the King, as he had done before [9] voluntarily offered to satisfy the Bishops and all others whatsoever; but this was a small matter to such as had their Castles demolished, their Houses pulled down, and their Orchards and Woods stubbed up; wherefore the King and Bishops agreed to refer the Matter to the Arbitration of four Barons, so as the King should make satisfaction according to their Judgment.

[9] Ibid. n. 40.

After this the King and Legat, the Arch-Bishop with the Bishops, Great Men, and all the Religious persons concerned in the Business [9] met again at *Beddinge* on the 6th of *December*, where every one produced a *Chart* or *Catalogue* of what had been taken from him, with the sum of the Damage he had sustained thereby. But the Legat favouring the King, they were put off, and payment was delayed; except that the Arch-Bishop and Bishops that were out of England with him, received there 15000 Marks of Silver.

An Inquiry of Damages appointed by the King.

[1] Append. n. 103. 104.

What these four Barons did, I find not, or what they were, or whether they undertook the Arbitration. But the King, according to the Agreement which the Bishop before recited, issued his Writs to certain Inquisitors appointed to make Inquisition in every Bishoprick, before the Arch-Bishops, Clerics, what had been taken from the Bishops, Clerics, and other Ecclesiastical persons, and Laics, and to return it to the King, as appears upon [1] Record, though the Inquisitions themselves are not to be found; which in all probability, were the Charts or Catalogues above-mentioned.

[2] Append. N. 105. The Pope writes to his Legate to fill all vacancies of Abbys and Bishopricks.

About this time the Pope [2] wrote to his Legat Nicholas, to fill all vacant Abbacies and Bishopricks, with fit persons, and wrote to all Chapters, Commanding them to rest in his Advice and Determination; and if there were any Rebels, or such as contradicted him, that he should compel them to Obedience by Ecclesiastical censure, without benefit of Appeal.

[3] Mat. Paris. l. 147. n. 49. He executes the Popes Letter.

The Legat armed [3] with this power, despised the Arch-Bishop and Bishops of the Kingdom, and went to the vacant Churches with the Kings Clerics and Officers, and placed in them unfit persons; such as appealed to the Court of Rome he suspended; and suffered them not to have one penny of what was their own to bear their charges thither: In many places he gave the vacant Parochial Churches to his own Clerics, without the consent of the Patrons.

[4] Ibid. n. 50. A. D. 1214. The Arch-Bishop and Prelates are troubled at the Legates practice.

After the [4] Octaves of Epiphany, the Arch-Bishop of Canturbury, with his Suffragans, met at *Dunstable*, to Treat of the Affairs of the English Church, for it much troubled them, That the Legat without their Advice, and in favour to the Kings Inclinations, should place insufficient Prelates in the vacant Churches, rather by *Intrusion* than *Canonical Election*: At length when the matter had been variously discussed, the Arch-Bishop sent two Clerics to the Legat then at *Burton upon Trent*, who by appealing, prohibited him on behalf

of the Arch-Bishop of Canturbury, lest he might presume to institute Prelates in his Province, to whom of right it belonged to do it.

The Legat not valuing the Appeal, [5] dispatched Pandulph with the Kings assent to the Court of Rome, that he might defeat the purpose of the Arch-Bishop and Bishops; and when he came there, he did not a little blast the credit of the Arch-Bishop with the Pope, and so much extolled the King, affirming he never saw a more Humble and Modest Prince, that he obtained great favour with the Pope. Simon de Langton the Arch-Bishops Brother opposed Pandulph, but because he brought the Kings Charters Bulled, or Sealed with Gold (*Sed Quoniam Charta Regis auro bullata, Pandulpho nuper delata fuerit, &c.*) containing the Subjection and Tribute of the Kingdom of England and Ireland, Master Simon in what he offered against him could not be heard. The same Pandulph affirmed also, That the Arch-Bishop and Bishops were too Rigid and Covetous in the Exaction, and for the Restitution of what had been taken away in the time of the Interdict; and that they had beyond Equity depressed the King himself, and the Liberties of the Kingdom, or the Temporal Liberties, and so for awhile the Arch-Bishop and Bishops designs were put off, or received delay.

In the mean time the King had [6] sent a great sum of Money to the chief Commanders of his Forces in Flanders, that thereby they might be enabled to invade and waste France on that side; they did so, and took several Towns and Castles, and much harassed the Country. And the King having sent Messengers to Rome about releasing of the Interdict, He with his Queen took Shipping at *Portsmouth* on the Feast of the Purification of the Virgin Mary, and within few days arrived with a great Army at *Roche*, where came many Barons of France, and swear fealty to him; and presently after his landing, there were [7] surrendered to him, and quitted, Twenty six Castles and Fortresses, and while he was besieging *William Castle*, there came to him Frier William of St. Owen, with the Popes Form of Releasing the Interdict, which he sent to Peter Bishop of *Winton* his Justiciary of England, with an account of his Successes to [8] William Earl Marshal, and all the Earls, Barons, and great Men of England with Directions to them to hear, and do what the Justiciary should say to them concerning the Form, and Relaxation of the Interdict.

The Messengers or Commissioners [9] sent by the King to Rome about this Affair, were John Bishop of *Exeter*, Robert de Warleson Arch-Deacon of *Northumberland*, Thomas de Huntington; or rather *Weringtona*, and Adam two Noble Knights; Those on the behalf of the Arch-Bishop were Simon de Langton his Brother, A. and G. his Clerics; all which unanimously affirmed in the presence of the Pope, it was very much for the advantage of the Secular and Ecclesiastical State, that the Interdict should be released; [1] and by their consents he invented, and appointed the Form of it, by which he ordered 40000 Marks to be paid to the Arch-Bishop of Canturbury, the Bishops of London, Ely, and others, they should assign discounting what they had received before, which

[5] Ibid. f. 248. lin. 4. The Legate opposes the Appeal of the Arch-Bishop and Bishops. His Character of the King.

[6] Ibid. n. 10.

[7] Ibid. n. 10. King John's success beyond Sea.

[8] Append. n. 106.

[9] Mat. Paris. f. 249. lin. 3. The Commissioners sent by the King, and Arch-Bishop, urged the Relaxation of the Interdict.

[1] Append. n. 107.

* Append.
N. 109, 110

[1] Parisus
supra. n. 10.
A Council as-
sembled by
the Legat at
St. Pauls in
London.
[3] Ibid. n. 30.

[4] Ibid. n.
40.
[5] Ibid. n. 30.
A. D. 1214.
16 Feb. Re-
lig.
The Inter-
dict released.

[6] Ibid. and
f. 250. l. n. 1.
The Religious
make their
suit to the Leg-
at for Re-
stitution.
The Legat's
Answer.

[7] Ibid. f.
250. l. n. 7.

[8] f. 231. n.
30.

[9] Append.
n. 11.

being paid, and further caution given, as 'tis noted in the Form it self. The Legat without any obstacle of *Appeal* or Condition, was to release the *Interdict*, which Caution was, That * the King should bind himself by *Oath*, and his *Letters Patents*, with six others, *Bishops* and *Earls*, his *Fide-jussors*, or *Sureties* for the payment of 12000 Marks a year at two Terms, until the 40000 Marks were fully paid.

At the time [2] when *Nicholas* the *Popes Legate* received this *Authentick* Message from the *Pope*, the King was still beyond the Sea, but in his departure from England, he left the *Legat* and *William Marshal* his Commissioners in this Business; and the *Legat* assembled a great Council at *St. Pauls* in *London* [3] where were the *Arch-Bishops*, *Bishops*, *Abbats*, *Priors*, *Earls*, *Barons*, and others concerned in this Affair of the *Interdict*, before whom he propounded the Form of Restitution for *Damages*, and what had been taken away from the *Bishops*, &c. which was drawn up by the *Pope* at *Rome*, with the consent of the Parties, Commanding he might be certified what Money had been paid to the *Bishops* or others, by the *Kings* Officers, upon occasion of the *Interdict*; and it was proved that the *Arch-Bishop*, and the *Monks of Canterbury*, together with the *Bishops of London*, *Ely*, *Hereford*, *Bath* and *Lincoln*, before they returned into *England*, received by the hands of *Pandulph* 2000 Marks Sterling; and in the Council holden at *Reading*, on the 7th of December (7^o Idus Decembris) after their return, the same *Bishops* and *Monks* received 15000 Marks to be divided between them; [4] so that there remained to be paid only 15000 Marks, for which they had the *Kings Letters Patents*, and the Security of the *Bishops of Winchester* and *Exeter* for the payment of it.

And then after the accomplishment of all these things [5] The *Legat* on the Feast of *St. Peter and Paul*, (June 29.) solemnly released the Sentence of *Interdict*, after it had continued six years, three Months, and fourteen days, to the great joy of the whole Nation.

The *Interdict* thus released, [6] There came to the *Legate*, *Abbats*, *Priors*, *Templars*, *Hospitalers*, *Abbeses*, *Nuns*, *Clerics* and *Laites* an innumerable multitude, (*innumera multitudo*). Requiring Restitution for the *Damages* and *Injuries* they had received. But the *Legat* answered them all alike, That there was no mention of their *Damages* and *Injuries* in the *Popes Letters*, and that he neither ought or could transgress the bounds of his Authority; yet advised them to complain and apply themselves to the *Pope*, and petition him to do them Justice. [7] When the *Prelates* (that is all the *Bishops*, *Abbats*, *Priors*, &c.) that put in their Complaints heard this; they returned home without hopes of better success: nor perhaps most of these, the Religious especially, could really require nothing, for the King had procured and exacted from most Religious Houses, Testimonials, that what he had from them, or as *Paris* says, violently extorted, was freely given him. [8] *Rex vulpina calliditate ab omnibus Religioforum Domibus, Chartas exegit quibus restarentur se gratis contulisse, Quaecunque ab eis violenter extorsit.* And upon the Patent Roll of the 16th of this King, there is a [9] Form of an Acquittance

tance entred for the *Abbats* and *Convents*, by which they acknowledged Satisfaction for what he had received of them during the time of the *Interdict*.

About this time King John [1] marched his Army out of *Wolton* into *Belstap*, and Besieged the Castle de la *Rosbe au Wolton* upon the River *Loir* between *Rants* and *Angiers*, and *Lewis* the King of *France* his Son came with a great Army to Relieve it; King John sent for his Scouts to discover their Numbers and strength, who returned to him, and informed him, they were inferior to his, and persuaded him to give them Battle. He commands his Soldiers to Arm, That he might March and meet him, but the *Barons* of *Wolton* would not follow the King, saying they were not prepared for a Field Battle; Then he suspected their accustomed Treason, and when he was upon the point of lacking the Castle raised the Siege. [2] *Lewis* also when he heard King John began to March, fearing he would set upon him, fled. *Sieges arerq; Exercitus ignominiose Dilapsus fuga, alter alterum a Turpissimavit.* And so both Armies having sneaked away by an ignominious flight, turned their Backs one upon another.

The French Historians [3] *Rigord* especially, and others from him, Report this Action otherwise. They say *Prince Lewis* assembled an Army at *Chinon* Castle, and marched toward King John, who so soon as heard he was within one days March of him, fled and left the Engines behind him with which he battered the Castle, and *Lewis* afterwards took the Castles of *Beaufort* and *Montcontier*, wasted many Rich places belonging to the *Viccomes* or *Viscounts* of *Coars*, and Demolished the new Walls of *Angiers* with which King John had incompassed it.

Within less then a Moneth after [4] upon the 27th of July (*secundo Kalendarum Augusti*) was fought the famous Battel of *Bovines*, between *Courmay*, *Lens*, and *Lille*, now in *Artois*. At this time the *Emperor*, the King of *England*, the *Earl of Flanders*, *Dukes* of *Lobain* and *Brabant*, Leagued against the King of *France*, and invaded his Kingdom, while his Son *Lewis* was engaged in *Wolton* and *Belstap* against King John. The person of the King of *France* was in great Danger, having been beaten off his Horse and trod under his Feet, yet at length his Enemies were all vanquished, Otho the *Emperor* put to flight; his Standard being a Dragon, under an *Imperial Eagle* gilt, was torn and taken, and the Chariot that carried it, broken in pieces. There were also taken five *Earls*, two whereof were *Ferrand* *Earl* of *Flanders*, and *Reginald* *Earl* of *Bologne*, with twenty five *Noble* men that carried *Banners*. *Ferrand* was imprisoned in a strong Tower in *Paris*, and *Reginald* in a strong Tower in *Perone* in *Picardy* laden with Irons, and Chained to a great piece of Timber. The *Parisians* made the King a most splendid Reception at his Entrance into their City, and celebrated this Victory with great Joy for several days. Whoever desires to see all the small particulars, and great engagements in this Battel, how every considerable Commander behaved himself with the Brigade or party he Commanded, and what their names, and who they were, may read the Description of it at large in *Rigord*, who was the King of *France* his *Chaplain*, and with him in it. And may also have a further account of it in *Mathew Paris*, though not so large, yet no ways interfering with that of *Rigord*.

[1] Paris. f. 250. n. 10, 20.
A. D. 1214.
King John would have fought Lewis, but his Barons of Poitou refused.

[2] Ibid. n. 30.

[3] f. 15. n. 30.
A. D. 1214.

[4] Rigord.
f. 156. n. 10,
10, 10, 80.
Parisus supra,
f. 150. 40, 50, 80.

A League against the King of France

The King of France vanquisheth Otho the Emperor.
Ferrand Earl of Flanders, and Reginald Earl of Bologne taken Prisoners.

After

[1] f. 124. n. 20. Paris f. 210. n. 30. A truce made for five years between England and France.

[6] Ibid. n. 50. [7] Ibid. The Earls and Barons Confederate against King John at St. Edmunds Bury.

[8] Ibid. f. 253. lin. 2.

[9] Ibid. f. 253. n. 30. A. D. 1219. They demand of the King a restitution of certain Laws and Liberties.

[11] Ibid. n. 40. The Kings Answer.

After this Victory, by the Industry of Ranulph Earl of Chester and mediation of Robert the Pope's Legat (saith [5] Rigord) of religious persons (saith [5] Paris) a Truce was made between the two Kings for five years; and King John [6] returned into England (14 Calendarum Novembris) or 19th of October.

About the [7] same time, the Earls and Barons under pretence of Prayer, but really for another purpose met at St. Edmunds Bury; For when they had a long time, whispered and talked privately together, the Charter of King Henry the first was produced, which the Barons received from Stephan Archbishop of Canturbury at London (ut predictum est) as was said before, which contained certain Laws and Liberties of King Edward granted to the Holy English Church, and the great men of the Kingdom with some other Liberties the King added of his own, (continebat autem Charta quondam Libertates & Leges Regis Edwardi Sancte Ecclesie Anglicana pariter, & Magnatibus Regni Concessas, Exceptis quibusdam Libertatibus, Quas idem Rex de suo adiecit.)

When they all met in the [8] Church of St. Edmund, the great Barons began to swear first upon the great Altar, That if the King Refused to grant them those Liberties, They would make War upon him, and withdraw themselves from his Fealty, until he should by Charter Sealed with his Seal, confirm all they Demanded. And they all Agreed, That at Christmas they would all go to the King together, to Demand, That the Liberties before mentioned, might be Confirmed. And in the mean time they would provide themselves with Horse and Arms. That if perchance the King should start from his own Oath (as they believed he would; for his Doubtless) They might compel him to satisfaction by taking his Castles. Quod si forte Rex a proprio vellet Juramento (Quod bene Credebant) reslire, propter suam Duplicitatem; ipsi protinus per Captivum Castrorum suorum eum ad satisfactionem compellerent.

In the [9] year One Thousand two hundred and fifteen at Christmas the King kept his Court at Worcester one day only, and having from thence to London, remained in the New Temple, where the great men came to him in Luxurious Military Habits, and desired certain Liberties and Laws of King Edward, with other Liberties Granted to them, The Kingdom of England, and the English Church, might be confirmed, as they were contained and written in the Charter of Henry the first, and the foresaid Laws. Moreover they affirmed, That at the time of his Absolution at Winchester, he promised those Laws and Liberties, and was bound by Oath to the Observation of them. [11] The King observing the earnestness of the Barons, and their readiness for War, was startled, and for the greatness and difficulty of the matter required time to Answer until the close of Easter; many things were propounded on both sides, and at length the King (though unwillingly) found Sureties the Archbishop of Canturbury, the Bishop of Ely, and William Marshal, That on the day prefixed, he should with reason satisfy them all. Upon which the great men returned home.

The

The King [2] intending to secure himself for the future, caused Fealty to be Sworn, and Homages to be renewed through all England to himself alone, against all men. And that he might the better provide for himself, on Candlemas day he took upon him the Cross, (Crimine potius quam Devotione) out of Fear rather than Devotion, That he might be more safe under the protection of it.

In Easter Week, [3] The great men met at Stanford with Horse and Arms, and had drawn into their party almost all the Nobility of England, who made up a very great Army, in which there were numbered two thousand Knights, besides other Horsemen, and Foot, armed with divers Weapons.

The [4] Chief of the Presumption and Incendiaries, (suerunt autem principes presumptionis & incendiores) were Robert Fitz-Walter, Eustachius de Belci, Richard de Percy, Robert de Ros, Peter de Spis, Nicholas de Stutevil, Robert Earl of Winchester, Robert Earl of Clare, Roger Earl Bigod, William de Bumbay alias Bumbay, Roger de Creissy, Ranulph Fitz-Robert, Robert de Aier, Fulk Fitz-Walter, William Waller, William Montacute, William de Beauchamp, S. de Rime, William Marshal the Younger, William Panduit, Roger de Pont-Begon, John Fitz-Robert, John Fitz-Alan, G. de Labal, O. Fitz-Alan, W. de Pobyug, O. de Ballibus alias Claus, G. de Cant, Mauricius de Sant, R. de Bzardis, R. de Pontifret, William de Landalei, Geofrey de Mandevill Earl of Essex, William his Brother, William de Huntingfeld, Robert de Cresey, G. Constable of Beurum, Alexander de Pointun, Peter Fitz-John, Alexander de Sutin, Robert de Bobi, John Constable of Chester, Thomas de Gulerun, Conan Fitz-Ely, and many others, who Conspired together, and Confederated under their Head Stephan Archbishop of Canturbury (isti communes Conjurati & Confederati, Stephanum Cantuariensem Archiepiscopum Capitalem Consentaneum habuerunt.)

At this [5] time the King was at Oxford expecting the coming of the great men. On Monday after Easter they Rendezvoused at Barchley in Northamptonshire. To whom he sent the Archbishop of Canturbury, and William Marshal Earl of Pembroke with other wise men, To know what Liberties and Laws they were they desired; and they delivered unto them a Schedule of Writing, (nunciis Schedulam porrexerunt) which for the most part contained the ancient Customs of the Kingdom. Affirming that if the King would not forthwith Grant and Confirm them under Seal, they would compel him, by seizing his Castles, Lands and Possessions. They Returned to the King with the Schedule, and read to him all the Articles contained in it; which when the King heard, he in Fury asked, Why the Barons with unjust Exactions did not Demand the Kingdom? They are vain things (saith he) and without Foundation; and then affirmed with an Oath, He would never Grant such Liberties as would make him a Servant or Slave.

When

[1] Ibid. Fealty Sworn and Homage renewed to the King through all England. He took upon him the Cross.

[3] Ibid. n. 50. The great men met at Stanford.

[4] Ibid. f. 254. lin. 1. The names of the chief Confederators.

Stephan Archbishop of Canturbury the head of the Conspiracy. * Ibid. n. 10.

[5] Ibid. n. 10, 10.

A Schedule of the Laws and Liberties they desired, delivered to the King. He refused to grant them.

[6] Ibid. n. 30.
The great
men chose
Robert Fitz-
Walter their
General.

When [6] the Archbishop, and William Marshal, could not bring the King to consent to the Barons Demands; By his Command they returned to them, and gave them an account what he had said; And the great men thereupon chose Robert Fitz-Walter their General, calling him, *The Marshal of the Army of God, and of Holy Church, (Apellantes eum Mareballum Exercitus Dei & Ecclesie Sancte;)* They Marched to Northampton, and Besieged that Castle fifteen days without Success, and then raised the Siege, and went to Bedford Castle, where they were kindly received by William Brucehampe.

[7] Ibid. 40.
50.
The Londoners
invite them to
take possession
of their City.

Hither [7] came to them Messengers from the City of London, secretly shewing them, that if they would possess themselves of the City of London, they must make haste; Forthwith they March to Ware, and from thence march all night to London, and on the 24th of May, early in the Morning, and in the time of Mass, without Noise entered the City, by the favor of the Rich Citizens, the poor not daring to speak against it.

[8] Ibid. n. 50.

The Barons [8] having thus possessed themselves of London, after they had placed their own Guards upon every Gate, and taken security of the Citizens, Disposed of all things in the City as they pleased; They sent their Letters to the Earls, Barons, and Knights, that really or seemingly adhered to the King, exhorting them with Threats, [9] That if they would not Desert the perjured King, and faithfully close with them in asserting their Liberties, they would proceed against them as Public Enemies, beat down their Castles, burn their Houses, and destroy their Warrens, Parks, and Horthyards. Those who had not yet Sworn the Liberties were William Marshal Earl of Pembroke, Ranulph Earl of Chester, William Earl of Salisbury, William Earl Waren, William Earl of Albemarle, H. Earl of Cornwall, William de Albenev, Robert de Vipont; Peter Fitz-Pubert, Brien de Lisse, G. de Luci, G. de Furnival, Thomas Basset, Henry de Braibroke, John de Bassingborn, William de Cantilupe, Hen. de Cornubise, John Fitz-Bugh, Hugh de Neville, Philip de Albiney, John Marshal, William Bruwer. The most of whom upon the Command of the Barons left the King, went to London and Confederated with them.

[1] Ibid. n. 20.
30.
The King pro-
mised to grant
the Liberties
they desired.

The King [1] seeing himself Deserted, and fearing they would Seize his Castles, sent William Earl of Pembroke, and other faithful Messengers to them, to let them know he would Grant them the Laws and Liberties they Desired. And sent to them also to appoint a day and place for a meeting to prosecute this affair. The Barons (*immo Gaudio recreati, statuerunt Regi Diem ut veniret contra eos ad Colloquium in pratum inter Stanes & Windlehozes situm, Decimo quinto die Junii*) being Transported with great Joy, appointed the King a Day to meet them at a Conference in a Meadow between Stanes and Windlehoz, upon the 15th of June.

A. D. 1215.
17 Johannis
Regis.

The

The King and great men [2] met at the Day and place appointed, and each side being by themselves, they began to Treat of Peace and the Liberties aforelaid. There were of the Kings party in Appearance (*Euerant autem Quasi ex parte Regis*) Stephan Archbishop of Canturbury, Henry Archbishop of Dublin, William Bishop of London, Peter Bishop of Winchester, Hugh Bishop of Lincoln, Jocelin Bishop of Bath, Walter Bishop of Worcester, William Bishop of Coventry, and Benedia Bishop of Rochester, Master Pandulph the Popes Old Servant, and Brother Almaric Master of the Militia of the Temple in England, with the following Noble men, William Marshal Earl of Pembroke, the Earls of Salisbury, Waren and Arundel, Alan of Galway, W. Fitz-Gerold, Peter Fitz-Perbert, Thomas Basset, Matthew Fitz-Perbert, Alan Basset, Hugh de Neville, Hubert de Burc Seneschal of Poitou, Robert de Ropeley, John Marechal, Philip de Albiney.

[2] Ibid. n. 40.
He met the
Barons at the
Day appoint-
ed.

Those of the Barons [3] party were so many of the Nobility as they were not easily numbred, and therefore at Length, the King perceiving his Forces to be inferior to those of the Barons, without difficulty Granted the Laws and Liberties in two Charters, because they were so [4] many they could not be contained in one Schedule: The first of them was called *Charta Communitum Libertatum*, or *Magna Charta*, The Charter of Liberties, or the Great Charter: The Second was called *Charta Forestarum*, The Charter of the Liberties and Customs of the Forest, and are both to be found in the [5] Appendix turned into English.

[3] Ibidem.
& n. 50.

[4] Ibidem.
f. 29. n. 30.
He granted
them two
Charters of
Liberties.
[5] Appendix.
n. 112, 113.

Before the making of this Charter of Common Liberties (as it was called) on the fifteenth of January in the 16th of this King, he [6] Granted the Freedom of Elections to Bishopsricks and Abbeys, to all Cathedral and Conventual Churches to choose their Prelates great and small, without his Nomination or Recommendation of such as were faithful to him, &c. contrary to the usage of his Predecessors and procured the Popes [7] Confirmation of it, which Grant is particularly confirmed by the first Article of this Charter.

[6] Appendix.
n. 114.
He granted
the Clergy
liberty to
Elect their
Prelates.
[7] Appendix.
n. 115.

The Clergy also by this Charter obtained Liberty under general Words, to depart beyond the Seas, and go and Return at their pleasure, which was a great advantage to them in all their Negotiations against the King, before which time they could not Depart without his Licence.

And to go be-
yond Sea
when they
pleased.

There was also inserted into this Charter, an Article, That no Ecclesiastic person should be Amerced according to the Quantity or Value of their Benefices, but only according to his Lay-Tenement or Possession, of which they seldom had any: This Article was much to the Advantage of the Clergy; for by this means, they had a freedom and immunity, for the perpetration of all Penal and Pecuniary Crimes.

S ff

From

[8] Append.
n. 16.
Twenty five
Barons to be
chosen to see
the Peace and
Liberties kept.

From the further [8] *Establishment* of these *Charters* and greater security of the *Barons*, The King yielded that they should Choose twenty five *Barons*, who should cause the peace and Liberties he had Granted to be Conferred, and so as if he, or his *Justiciar*, broke any of the *Articles*, and their fault was Discovered to four of the twenty five *Barons*, those four should come to them and demand amends, which if not made within forty Days, they should inform the twenty five, and they with the Community of the whole Land, should force them by taking of their *Castles*, *Lands* and *Possessions*, or any other ways they could, until they gave satisfaction according to their Judgments, saving the persons of himself, Queen and Children, and whoever would Swear to obey the *Barons* in the Execution of these things might, nay that he would Command them to do it. If all the *Barons* could not Agree, or all upon *Summons* could not, or would not appear, what the Major part did was to be firm and allowed. He bound himself also that he would obtain nothing whereby any of the Liberties or Concessions should be Revoked and Diminished, and that if any such thing were obtained, it should be void, and that he would not use it, and then pardons all his men, or *Fendataries*, *Clerics* and *Lays*. And the better to enable them to do this, the four *Castellans* or *Governors* of the *Castles* of *Northampton*, *Kenilworth*, *Nottingham* and *Scarburgh* should be Sworn to the twenty five *Barons*, to do with those *Castles* what they or the greater part of them Commanded, and that there should always be such *Governors* placed in those *Castles*, as were faithful or well affected and would keep their Oaths. And then he firmly Commands, That the *English Church* should be free, That all men or *Fendataries* of the Kingdom or Secular Government should have and hold all the Liberties, Laws and Customs, contained in the *Charters*, Well and in Peace, Freely and Quietly, fully and wholly to them and their Heirs, of him and his Heirs in all things and places for ever; And he and the *Barons* Swore to the Observation of them, of all these matters, without fraud or Deceit; and this Grant was Signed with his own hand, in the Meadow between *Stanes* and *Windsor*, on the same day the Great Charter, and Charter of the Forest were Granted and Confirmed, That is, on the 15th of June in the 17th year of his Reign.

[9] Mat. Paris
l. 2. c. 10.
The names of
the twenty
five Barons.

The five and twenty [9] *Elected Barons* were these, The Earl of *Clare*, the Earl of *Albemarle*, the Earl of *Glocester*, the Earl of *Winchester*, the Earl of *Hereford*, Earl Roger of *Northfolk* and *Suffolk*, Earl Robert of *Orford*, the Earl *Marshall* the Younger, or *William Marshall* the Younger, Robert *Fitz-Walter* Senior, Gilbert de *Clare*, *Eustachius de Gelsep*, *Hugo Bigod*, *Willielmus de Buntzay* alias *Montzay*, the Mayor of *London*, *Gilbert de La Hal*, Robert de *Ros*, the Constable of *Chester*, *Richard de Percy*, John *Fitz-Robert*, *William Walter*, *Geoffrey de Sap*, Roger de *Buntzay*, *William de Buntingfield*, *Richard de Buntzay*, *William de Alveney*. [1] These five and Twenty *Barons* Swore by the Kings order, (*Isti viginti quinque Barones Juraverunt, Rege hoc Disponente*) That in every Instance, they would obey their Orders and Directions, and would Compel the King, if perchance he should Repent him of these things.

[1] Ibid.
They Swear
to Compel
the King to
keep the
Peace and
agreement.

On

On the 18th of June the [2] same year, the King by his *Writ* Dated at *Runemede* Directed to *Stephan Barengod*, let him know, That a firm Peace was there made, between him and his *Barons*; (*inter nos & Barones nostros*) on *Fryday* next after the *Feast of Holy Trinity*, so as he had received their *Homages*, and therefore Commanded him to do no injury to his *Barons*, or others, by Reason of the *Discord* between them. And further Commanded him, that so much of the *Fines* and *Penalties* set by reason of that *Discord* which remained unpaid should nor be Levied, and if any thing had been taken after that *Fryday*, it was to be restored. He was also to release all *Prisoners* and *Hostages*, taken and detained by reason of the War.

On the 19th of the same Month, [3] by his *Writ* dated at the same place, he signified to all *Sheriffs*, *Foresters*, *Wareners*, *Keepers of Rivers*, and his other *Bayliffs* or *Officers*, That there was a firm Peace made between him, the *Barons*, and *Free-men* of his Kingdom, (*inter nos, & Barones, & liberos homines Regni nostri*) as appeared by his Charter, which he Commanded publicly to be read in his *Bayliwicks*, *Walling* and straightly Charging the *Sherif*, That he should cause all of his *Baylwick* according to the form of the Charter to Swear to the five and twenty *Barons* or their *Attorneys* constituted by their *Letters Patents*, at such Day and time as they should appoint, and also *Walled* and Commanded, That Twelve *Knights* should be chosen in every County, at the next County, i. e. County Court, which should be holden after the receipt of these Letters, To inquire of the *Evil Customs* or *Privileges* of *Sheriffs*, and their *Ministers* of *Forests* and *Foresters*, *Wareners* and *Wareners*, of *Rivers* or *Riverbanks*, and their *Keepers*, or *Tribute gatherers* towards the Repairs of *Bridges* and *Banks*, and to extirpate them.

After this, on the 27th of the same Month from *Winchester* he Directs his *Writ* particularly to the [4] *Sherif* of *Warwickshire*, and the 12 *Knights* there Chosen, to Inquire after, and root out all *Evil Customs* and *Privileges* of the *Sheriffs*, and their *Officers*, of *Forests* and *Foresters*, *Wareners* and *Wareners*, *Rivers* and their *Keepers*, Commanding them, That without delay they Seize the *Lands*, *Tenements*, and *Chattels*, of all those in the County of *Warwic* which refused to Swear to the twenty five *Barons* or their *Attorneys*, and to detain them until they did Swear. And this was *Established* by the *Arch-Bishop* of *Canterbury*, and *Barons* of this Kingdom.

And as he had been forced to these things, so he for the performance of them, was Compelled to Engage and put into their possession the [5] *City* and *Tower* of *London*, and *Covenant* with Robert *Fitz-Walter* *Marshall* of the *Army* of God, and of *St. Church* in *England*, *Richard Earl of Clare*, *Geoffrey Earl of Essex* and *Glocester*, *Roger Bigod Earl of Norfolk* and *Suffolk*, *Saher Earl of Winchester*, *Robert Earl of Orford*, *H. Earl of Hereford*, and the *Barons* following, *William Marshall the younger*, *Eustace de Gelsep*, *William de Buntzay*, *John Fitz-Robert*, *Roger de Mont-Begon*, *William de Lanvalay*, and other *Earls* and *Barons*, and *Freemen* of the whole Kingdom. That they should hold the *City* of *London* of the *Liberty* of the King, until the 15th of *August* that year; saving to

[2] Append.
n. 117.
A.D. 1215.
17 Feb. Reg.
gu.

[3] Append.
n. 118.
He gives notice to all *Sheriffs* and other *Officers* of the Peace, and Commands them to cause all within their jurisdiction to Swear to be obedient to the 25 *Barons*. He also Commanded 12 *Knights* to be chosen in every County to inquire of *Evil Customs*, &c.

[4] Append.
n. 119.
Such as refused to Swear to obey the 25 *Barons* to be imprisoned, and to have their *Lands* and *Goods* seized.

[5] Append.
n. 120.
The King gives Caution for the observation of such things as the 25 *Barons* exacted of him.

Sff 2

him

him his Farms, Rents, and Clear Debts. And that the Archbishop of Canturbury, should hold the Tower in like Manner, for the same Term: Saving to the City its Liberties, and Free Customs, and saving to every one his right in the Guard of the Tower of London and so as the King should not put in Ammunition or New Forces into the City or Tower in the mean time. And further that within the said Term, Ditches should be made through all England to the 25 Barons or their Attorneys, according to the Writs for Choosing Twelve Knights in every County to Destroy evil Customs, &c. And also that all things which the Earls, Barons, and other free Men do require of the King, which he says ought to be restored, or which ought by the Judgment of the Twenty Five Barons, or Greater Part of them, to be restored, shall be restored, and if these things were done, or the King hindered not the Doing of them within the said Term, then the City and Tower of London were to be Re-delivered to him, &c. And if they were not done, or the King hindered the doing of them, then the Barons should hold the City, and the Archbishop the Tower until the Covenantants were performed, and in the mean time all on both parts to repossess, their Lands, Castles, and Towns, which they had in the Beginning of the War between the King and Barons.

On the 27th of June by his Writ Directed to the Sheriff of Warwick we find King John at Winchester from whence he passed privately to the Isle of [6] Wight, where considering how to free himself from the Fetters of the Barons, the Hardships they had put upon him, and how he might make himself King again, [7] He sent Pandulph with others to the Pope, that he might by his Apostolic Authority make void, what the Barons had done and frustrate their Design. He also sent Walter Bishop of Worcester and Chancellor of England, John Bishop of Norwich, Richard de Barisio, or Barth, William Gernon, and Hugh de Robes, to all the Transmarine Neighbour Nations, with his Seal, to procure Military assistance, [8] promising such as would Arm themselves for him, possessions and Money good Store; And for the greater Credit, if it were needful, they might make Charters to such as were Willing to come, for their Greater security, and their Military Stipends, and appointed them to meet him at Dover on Michaelmas Day with as many as they could bring over. [9] he sent also to all his Castellans or Governors of his Castles to Fortifie, Man, and Vittual them, as if they were to be immediately besieged; and endeavour'd to make the Seamen of the Five-Ports of his Party, and Friends.

In the mean time [1] the Barons which were in London thinking their Work completed, appointed to meet at a Tournament, or Trial of Feats at Arms, at Stamford. Whereupon Robert Fitz-Walter, and other Great Men, wrote to William de Albenev, what great conveniency it was to them all, to keep in the City of [2] London which was their Receiptacle, and what disgrace and damage it would be to them, if by their negligence it should be lost, &c. And therefore by Common Council they deferred the Justs which were to be at Stamford on the Monday after the Feast of Peter and Paul the Apostles, (i. e. the 29th of June) until Monday after the Octaves of that Feast: And that they should be holden upon the Feast be-

tween

tween Stanes and Poundlawe; and this they did for the security of themselves and City. And therefore they sent to, and required them diligently, That they should come to well provided with Horse and Arms to the Tilting, as they might receive Honor: And he that behaved himself best, should have the Bear a Lady would send thither.

At the same time [3] the Messengers of the King appeared before the Pope complaining of the Barons, what affronts and injuries they had done to, and Rebellions they had raised against him. Exacting from him such Wicked Laws and Liberties as were not fit for his Royal Dignity to Grant. (*Exigentes ab eo quasdam Leges & Libertates iniquas, Quas Regiam Dignitatem non Decuit Confirmare.*) And that after the Discord between them, when the King and Barons often met to Treat of Peace, he publicly protested before them, That the Kingdom of England in Respect of Dominion belonged to the Roman Church, and That without the Popes Consent he could ordain nothing New, or Change any thing in his Kingdom to his Prejudice. And Therefore by Appealing put himself, and all the Rights of his Kingdom under the Protection of the Apostolic See. That the Barons taking no notice of the Appeal, were then in Possession of the City of London Delivered to them by Treason, and then armed themselves, and Exalted the foresaid Liberties; and the King fearing their force, dare not deny what they required. And then they delivered the Articles of the Charter in Writing to the Pope, which when he Diligently perused, he Knit his Brows and said, What do the Barons of England endeavor to De throne a King that hath taken upon him the Croisado, and is under the protection of the Apostolic See, and to Transfer the Dominion of the Roman Church to another? By St. Peter this Injury we cannot pass by unpunished. And Deliberating with the Cardinals, Damned and Censured for ever by a Definitive Sentence, the Charter of Liberties so often mentioned, and sent the Bull which Contained the Sentence to the King: But before we speak further of it, 'tis necessary to take notice of some Precedent Records which it refers to, not to be found in the Historians.

After the Barons had appeared in a Warlike Posture before the King at Cuslmas (as hath been related) and made their Demands of the Liberties, they required of him. He gave the Pope Notice of it, who upon the 19th of March following [4] wrote to the Archbishop, and his Suffragans, or the Bishops of his Province, and the Barons, that they raised new Questions and Controversies against the King, such as were not heard of in the time of his Father or Brother: That they should not enter into Conspiracies against him, but humbly and Obediently apply themselves to him, and perform their accustomed Services, which were Due, and had been performed by their Predecessors, to him, and his Predecessors. Upon which he would enjoin him, upon the Remission of his sins, To deal Mildly with his Nobles, and admit their Just Petitions.

On the 10th of May next following, He Published a [5] Declaration, That he would not take the Barons or their Men, That is, their Tenents, nor Dissolve them, nor pass upon them by force and Arms, But by the Law of the Land, and Judgment of their Peers in his

Mat. Paris, f. 265. n. 40, 50. & f. 266, lin. 1. &c. The King by his Messengers complains to the Pope of the hard usage of the Barons.

And puts himself under his Protection.

The Pope makes void the Charter of Liberties.

[4] Append. n. 122, 123. The Pope chargeth the Barons for raising new Questions and Controversies; and exhorts them not to enter into Conspiracies against the King, but to behave themselves dutifully towards him. [5] Append. n. 124.

[6] Mat. Paris, f. 264. m. 40. King John goes into the Isle of Wight.

[7] Ibidem. Sends to the Pope to void his Engagements, and what the Barons had done. And sends beyond Sea for Forces.

[8] Ibid. f. 265, lin. 1. &c.

[9] Ibidem, lin. 4. &c.

[1] Ibidem, f. 265. n. 30.

[2] Append. n. 121. London the Receiptacle of the Barons. The Tournament which was to be at Stamford put off, and to be holden upon Hounslow-beach.

The King offers to refer the Differences between him and the Barons.

[6] Append. n. 125. The Archbishop and his Suffragans neglect the Popes Commands. The Barons refuse to hear what he wrote. King John claims the Privilege of the Cross, and refers himself to the Popes Discretion.

[7] Append. n. 126. The Pope by consent of the Cardinals Damns the Charter of Liberties.

[8] Append. n. 127. The Pope writes to the Barons, and chargeth them with evil Practices against the King.

[9] Mat. Paris. f. 268. n. 10. The Popes Letters prevail not upon the Barons. They consult how to secure London, and make William de Albini Governor of Rochester-Castle.

his Court, while Things should be Determined, by Four to be chosen on his part, and four by the Barons, and the Pope to be Umpire, and for the Performance of this he offered as Security, the Bishops of London, Worcester, Chester, Rochester, and William Earl Warren.

On the 29th of May following King John [6] wrote to the Pope that the Archbishop of Canturbury and his Suffragans had neglected his Commands, and that the great men and Barons altogether refused to hear what he wrote. And attending what the Barons said, He replied to them, That England was the Patrimony of St. Peter, and that he held it, as the Patrimony of St. Peter, the Church of Rome and the Pope, and had taken upon him the Crusado, and required the Privilege of such who had taken upon them that Expedition: And after having recounted the Effects of his Former Offers to the Barons and Bishops, upon which he could obtain no Remedy, he Refers himself to the Popes Discretion to relieve him.

Upon the Consideration of all these Offers, Declarations, Matters and Things, and the Recapitulation, and brief Mention of them in his [7] Bull, and the Information of King John's Messengers lately sent to him, the Pope by the Common Consent of the Cardinals, Damns the Charter of Liberties, and all obligations and Cautions, which he had given and entred into for the performance of it; and Declares them Null and void.

By [8] Letters of the same date with this Bull, (viz. Aug. 24. 1215.) the Pope wrote to the Barons, They had not well considered their Oath of Fidelity, when they rashly persecuted their Lord the King. That all men Deserted their proceedings, especially in such a cause where they made themselves, both parties and Judges; When the King was ready to do them Justice by their Peers in his Court, according to the Laws and Customs of the Kingdom or to proceed by arbitrators chosen on both sides, with a Reference to him, if they agreed not. And therefore commands them to Renounce that unlawful and unjust Composition they had extorted from him, by fear and force, and satisfy him and such as adhered to him for the Injuries they had done them. That by this means, the King might be induced to Grant whatsoever of right ought to be granted to them. And further adviseth them to send their procurators, or Deputies to the next General Council which he intended suddenly to call about the Business of the Cross, where would be the Archbishop and other English Bishops, and there Commit themselves to his good pleasure, who by the Favor of God intended so to Determine things as to do away all oppressions and Abuses in the Kingdom, that so the King being Content with his own Right and Honor, the whole Clergy and Laity might joyce in their just Repose and Liberty.

The Popes Letters or Mediation prevailed not with the Barons; they [9] pursued what they had undertaken, and sent for William de Albini a stout man, and experienced Soldier several Times before he came; at last upon a Chiding Letter, having secured the Castle of Belvoir, or Beauvoir, he came to them to London, where he was received with great Joy by the Barons; who immediately consulting how to secure the City of London from being besieged by the King, and

and shutting up all passages to it, raised a considerable Force, and put them with William de Albini into Rochester Castle whereof he was made Governor.

But before they had provided for their Defence so well as they intended, the King after three Months stay in the [1] Isle of Wight was Sailed from thence to Dover, where he met his Messengers or Commissioners he had sent beyond Sea, with Forces from Poitou, Gascony, Brabant, and Flanders, with which he Besieged the Castle of Rochester. The Barons had Sworn to William de Albini, That if the Castle should happen to be besieged, they would use their utmost endeavors to Relieve it; they Marched as far as Dartford, and then retreated to London. They within Defended the place with great Courage and Resolution, and at last after almost three Months, were forced to yield without Conditions for want of Victuals; The Siege was very Expensive to the King and many of his Men were slain in it, for which reasons he would have hanged all the Noble Men or Knights had it not been for the perswasion of Sabarie de Maro Leone, and some others, who told him the War might prove long; and some of his own Knights might be taken, and put to Death after the same manner. Whereupon he sent William de Albini, W. de Lancaster, W. de Melos, Thomas de Muleton, Robert Giffard, Robert de Bonst, Willelm de Albini and others of the best Quality Prisoners to Cost Castle, and others to Divers other Prisons, all the Ordinary Men, but the Cross Bow-Men, he caused to be Hanged.

The Pope upon notice [2] That the Barons persisted in the persecution of the King [3] Excommunicated them, and Committed the Execution of the Sentence to Peter Bishop of Winchester, the Abbot of Reding, and Pandulph Sub-Deacon of the Roman Church, in which Brief of Excommunication he enjoined the Archbishop, and Bishops by virtue of their Obedience, That they should cause the Sentence to be Published every Lords Day, and Holy Day, with Ringing of Bells, and Lighting of Candel, throughout all England, while the Barons satisfied the King for the Injuries done to him, and returned to their Obedience.

The Bishop of [4] Winchester and Pandulph personally attended the Archbishop of Canturbury, and in the Name of the Pope Commanded him to Direct the Bishops of his Province, to Publish this Sentence against the Barons: He was ready to take Ship to go to the Council at Rome, and desired Respite until he spoke with the Pope; affirming, the Sentence had been obtained, by Concealing Truth, and therefore he should by no means Publish it, until by Discourse with the Pope, he knew his Mind concerning it. [5] These two when they found the Archbishop Disobedient to the Popes Command, suspended him from entering the Church and Celebrating Divine Service, and then the Bishop of Winchester Declared all the Barons that had endeavored to Drive the King out of the Kingdom Excommunicated, and continued to do so every Lords Day and Festival. But why because not Named in the Popes Brief valued not the Sentence, Reputing it Null and Void.

[1] Ibid. n. 30.

The King with forces from beyond Sea besieged Rochester Castle. The Barons offer to relieve it.

It yields for want of Victuals.

The King imprisons the persons of best Quality;

And Hanged the Ordinary Soldiers.

[2] Ibid. n. 40. [3] Append. n. 128. The Pope Excommunicates the Barons.

[4] Paris f. 271. n. 50.

The Archbishop suspended for Disobedience to the Pope. [5] Ibid. f. 272. l. 2. The Barons declared Excommunicated. They value not the Sentence because not named particularly.

[6] Ibid. n. 10. A. D. 1215. The Kings Procurators appear against the Archbishop [7] Ibid. fol. 273. n. 20. in the great Council at Rome. They accuse him with holding Correspondency with the Barons, &c. [8] Ibid. n. 30.

[9] Ibid. The suspension of the Archbishop confirmed by the Pope and Cardinals. [1] Append. n. 129. A. D. 1215. [2] Ibid. n. 30.

Walter Gray Chosen Archbishop of York gives 10000. l. for his Pall. [3] Ibid. f. 274. lin. 4.

[4] Ibid. n. 10. The King cauleth the Sentence against the Archbishop to be Published. [5] Ibid. n. 20. 30. The King Divides his Army,

[6] Ibid. n. 40. and Marcheth to Nottingham, and waile the Barons Estates. Their Castellans quit their Castles.

[7] Ibid. n. 50. The other part of his Army waileth the Barons Estates in the East and South.

In [6] November following the Great Council before mentioned was held at Rome, in which the Procurators or Commissioners of King John, the [7] Abbat of Beaulieu, and Thomas de Huntingdon, and Godfrey de Craucomb Knights, appeared against Stephan Archbishop of Canturbury, and accused him of holding Correspondency with the Barons, and that by his Favour and Assistance they endeavored to De throne the King: That when he received the Popes commands to restrain the Barons from persecuting the King by Ecclesiastic Censures, Refusing to do it, he was suspended; confounded with these Accusations he answered nothing; but Desired to be absolved from his Suspension.

To whom the [8] Pope in Anger replied by St. Peter, he should not easily obtain the Benefit of Absolution, that had done so many affronts, not only to the King of England, but also to the Roman Church; [9] and having held a Consultation with the Cardinals, they Subscribed, and he Confirmed the Sentence of Suspension against the Archbishop, which was dated the 4th of November, and sent to all the Clerges and Laics of that Province, to let them know, they Ratified what the [1] Bishop of Winchester and Pandulph had done, commanding ready Obedience to it.

The [2] Canons of York chose Simon Langton Brother to Stephan, Archbishop of York, and presented him to the Pope for his Confirmation of the Election; But he voided it, and recommended to them Walter de Gray, whom they chose, and he at the Receipt of his Pall [3] obliged himself to Pay Ten Thousand Pound Sterling to the Court of Rome.

The King having [4] notice of the Sentence against the Archbishop, went to the Monastery of St. Albans, and there caused it to be published, and from thence it was sent to all Cathedral and Conventual Churches through England to be Published.

At this place the King [5] raised two Armies, or Divided his former Army into two parts, with one he Marched Northward, with the other (under the Conduct of his Brother William Earl of Salisbury,) he endeavored to restrain the Excursions of the Barons in London.

The King with his Army Marched to Nottingham, and [6] sending several parties abroad, in his March wailed the Barons Estates, Seised their Goods, and Burnt their Houses, imprisoned their Tenents, such as were found out of Churches and Church-Yards, and forced them to Redemption; The Barons Castellans upon the Kings Approach every where left their Castles without Defence.

William [7] Earl of Salisbury and Falcastus de Bzent with the Forces left under their command at St. Albans, after they had put very strong Garrisons into the Castles of Windsor, Hereford, and Berchamsted, to observe the Barons in the City of London, and to hinder People, and Victuals from going and being Carried into it, Marched into the Counties of Essex, Middlesex, Hertford, Cambridge

Cambridge and Huntingdon Shires, were they make the like [8] wailed upon the Barons Estates as the King did Northward, and further destroyed their Parks and Warens, and cut down their Hortyards: The Grison of [9] Rochester took the Castle of Conebysgge, and Falcastus de Bzent the Castle of Bedford.

At [1] Christmast the King was at Nottingham, and on the Day after he sent and summoned Belvoir Castle, threatening to put William de Albiney the Lord thereof to Death, if it were not forthwith Surrendered without Capitulation; The Governors of it for the safety of their Lord carried [2] the Keys of it to the King, who took possession of it on St. Johns Day, and Gave his Letters Patents of indemnity, and for the enjoyment of all their Goods, to all That were in it.

Yet notwithstanding, this Monk (who is always very Bitter and harp against King John) [3] Brands him and his Followers (whom he calls, the Soldiers of Satan, Sons of Belial, and ministers of the Devil) with the most Inhumane Barbarous Cruelties that ever were heard of unless in this Historian. He reports they took Priests from the Altars with Crosses, and the Lords Body in their Hands, Tortured, Robbed and wounded them; That to extort Money from Knights, and men of all Conditions, they hanged them up by their Reins and Privities, others by their Legs and Feet, some by their Arms, Hands and Thumbs, spitting into their Eyes Salt mixt with Vinegar; others they laid upon Twists, and Grid-Irons over burning Coals, and then put their Broiled Bodies into Water under Ice to Cool them.

While the Barons lay [4] still the King got possession of almost all their Castles and Estates, from the South Sea to the Scottish Sea; all the Castles and Lands between the River Tise and Scotland, he committed to Hugh Bailiol and * Philip de Bulecotes, and left Soldiers sufficient to Defend that Country. The Castles and Lands in North-More, were committed to Robert de Veteri ponte, or Vipont, (i. e. at the Old Bridge) Ezen de Lisse, and Geoffrey de Luci, with armed Men sufficient to Defend them. To William Earl of Albemarle he gave the Castles of Rockingham and Bitham; to Ralph de Bzent he gave the Custody of the Castles of Oxford, Northampton, Bedford, and Cambridge, and the Castle of Hertford he committed to Walter de Godardvill a Knight and Retainer of fault, and to Randalph the German the Castle of Berchamsted; With command to, them all, as they loved their Bodies, and all they had, That they should destroy all things that belonged to the Barons, their Castles, Houses, Towns, Parks, Warrens, Ponds, Mills, Hortyards, &c.

From the North parts the [5] King went into Scotland, and took Berwick and other places, which were then thought invincible, and from thence he marched Southwards, and left behind him only the Castle of Mansforrel, and another belonging to Robert de Ros in Yorkshire, in the Power of the Barons, and so marching by the [6] Borders of Wales he took in many of his Enemies Castles, Demolishing some, and fortifying others.

[8] Ibid. f. 275. lin. 3.

[9] Ibid. n. 10. Tonbridge and Bedford Castles surrendered.

[1] Ibid. n. 20. A. D. 1215.

The King takes Belvoir Castle.

[2] Ibid. n. 30. 40.

[3] Ibid. f. 276. lin. 5. and n. 10.

King John charged with inhumane Cruelties by Mar. Paru.

[4] Ibid. n. 30. 40.

The King gets possession of the Barons Castles and Estates.

* Pat. 18. Johan. M. 7. Dors. n. 66.

[5] Ibid. The King takes Berwick.

[6] Ibid. n. 50.

[7] Ibid. & 7. 177. lin. 1. The Pope Excommunicated the Chief of the Barons by name, &c. [8] Appendix. n. 130.

He excommunicated the Citizens of London, and puts the City under Interdict.

[9] Appendix. n. 131. Cathedral and Conventual Churches injoyed to Declare and publish the excommunication against the Barons.

[1] Mat. Paris. f. 278. lin. 7. and n. 10. The City of London Contumacious.

[1] Ibid. n. 20. 30. The life of Ely taken and plundered.

The [7] Pope having notice from the King that the Barons *va-* lued not his General Excommunication of them, Excommunicated the chiefest of them by name, and committed the Execution of his Brief to the Abbat of Abendon, the Arch-Deacon of Poitou, and Master Robert Official of Norwich, [8] by which he Excommunicated and Anathematized all the Barons with their assistants, and Favourers, which persecuted the illustrious King John of England, Master to the Church of Rome, and Furthermore he Excommunicated, and Anathematized all those, who helped them to invade and possess the Kingdom, or hindered any persons from going to, and assisting the King, and put all the Barons Lands under interdict; he also Excommunicates the Citizens of London that were principal Aitors against the King, and one and Thirty others by name, and their Accomplices, and puts the City of London under Ecclesiastic Interdict; and all this without Remedy of Appeal. This Brief bears Date the 17th of the Kalends of January (i. e.) December 16th 1215.

The [9] Commissioners upon the Receipt of the Brief, writ to all Cathedral and Conventual Churches, injoyning them to Publish this Brief of Excommunication against the Barons, and to order it to be Published in the Parish Churches within their several Jurisdictions upon Lords Days, and Festivals, and injoyined them to Publish thirty other Barons by name excommunicate, which were contained in the Sentence drawn up by Peter Bishop of Winchester, Pandulph, and the Abbat of Reding.

Upon the Publication of this Brief, only the [1] City of London stood Contumacious and Despised it, so as the Barons resolved not to observe it, nor the Bishops to urge it, for that it was generally said the Briefs were obtained by false Suggestions, and therefore of no moment, and for that especially, it belonged not to the Pope, to Direct and Govern in Lay-Matters, when as the Power and Disposition of Ecclesiastic affairs only was Collated by God to Peter the Apostle, and his Successors; how came the insatiable Covetousness of the Romans to extend it self to them? (said they) how to our Apostolic Bishops, our Barons and Knights? behold the Successors of Constantine not Peter, they do not the Works of Peter, nor are they to be alike to him in Power.

About the same Time, [2] Walter Bauk with his Brabanters entred the Isle of Ely, by Andrey Causeway. (Walterus Bauk cum Brabantibus suis versus [*] Perchie Elyensem intrans Insulam.) While William Earl of Salisbury, Faulx, and Sabaric de Baloe Leone passing over the Ice entred it on the contrary side, by Stunney Bridge, and waited and plundered the whole; many that fled thither as to a place of Safety were taken and put to Ransom, the Cathedral was redeemed from fire, by the Prior for the sum of an Hundred and Nine Marks of Silver.

[*] This Perchie, that is, the Army-Habitation, or abiding place, was the Old Fortification; where part of the Conquerors Army lay at the end of Andrey Causeway against the Isle of Ely, now called by the Country people Belfars Hills.

The

The Barons [3] being brought to this low Condition, Consulted together, and resolved to choole some Potent Person for their King. They pitched upon Lewis Son to Philip King of France, because the foreign forces, which were King Johns greatest strength came out of his Territories, so that he would be deprived of their assistance, and left as it were to their Mercy. This generally pleased them, and they [4] sent Hubert Earl of Winton, and Robert Fitz-Walter, to King Philip, and Lewis his Son, with Letters sealed with the Barons Seals, earnestly Imploing the Father to send his Son to be King of England, and the Son that he would forthwith come, and be Crowned. The King of France having perused the Barons letters, told their Commissioners, he should not send his Son, until for his greater security, he should receive Twenty Four Hostages or Pleges of the most noble persons of the Kingdom. And the Barons having no other Remedy, sent to him so many Hostages, according to his own Will, [5] which so soon as Received, and put into Safe Custody, Lewis prepared for the Expedition he desired above all things, and sent before him into England the Castellain of St. Omar, the Castellain of Arras, Hugh Chacun, Eustace de Rebill, Baldwin Dagenet, Giles de Belun, W. de Bellomonte or Beaumont, Giles de Beff, Visier de Ferri with a great Troup of Soldiers to encourage the Barons, who came up the Thames to London, and were received with great Joy on the Twenty seventh of February.

About the same time [6] Stephan Archbishop of Canturbury having given Caution at Rome, that he would stand to the Judgment and Determination of the Pope, concerning the things before expressed, was absolved from the Sentence of Suspension, upon Condition he should not return into England, until there was a firm Peace Established between the King and Barons.

At Easter [7] The Abbat of Abendon and his fellow Commissioners, finding the Continuity of the Barons and City of London, (cum Continuumaciam Baronum & Londinensis Civitatis Cognovissent) wrote to all the Conventual Churches of England, [8] to Publish the Sentence of Excommunication against the Chapters of St. Pauls and St. Martins, and St. Dunstons Dean of St. Martins, and the Convent of Holy Trinity, for their Contempt to the Pope in not publishing the Sentence against the persecutors of King John, and also Commanded them to Excommunicate the Castellain of St. Omar with all his Company that came to invade, and possess the Kingdom of England, together with all Camps and Clerges within the City, under Danger of falling in to the Popes displeasure.

This [9] Monk is very Sharp upon the Pope, concerning these Excommunications, and saith, that King John knew, and had learnt by much experience; That he was ambitious and proud above all Mortals, and insatiably thirsty after Money, and prone and Flexible towards all Mischief and wickedness, for Rewards either received or promised: (Noverat autem Rex & multiplices didicerat experientia, Quod Papa super omnes Mortales ambitiosus erat & superbus, pecunias, gratias insatiabilis; & ad omnia scelerata pro promissis datis vel promissis Cerebris & Probris.) And therefore sent Messengers to him, who carried with them

[3] Ibid. n. 40. and f. 279. lin. 8. The Barons choole Lewis Son to Philip King of France their King. [4] Ibid. n. 40.

and send 24 hostages for his Security.

[5] Ibid. n. 30.

He sends for-ces before his own coming. A. D. 1216.

[6] Ibid. n. 40.

The Archbishop of Canturbury absolved.

[7] Ibid.

[8] Appendix. n. 132. The Dean of St. Martins and several Chapters in London excommunicated.

[9] Mat. Paris. f. 245. n. 10. The Description of the Pope.

them a great *Summe* of *Money* and promised a greater, and engaged he should become his *Tributary* *Servant*, if he would find an occasion to *Confound* the *Archbishop* of *Canterbury*, and to *Excommunicate* the *Barons*, which formerly he had *Cherished* and *Incouraged*.

[1] Append.
N. 133.
Prince Lewis
incourgeth
the Barons.

The *Barons* [1] for their better *encouragement*, received *Letters* of *Thanks* from *Prince Lewis*, for their *stout* behaviour in his cause, with an *exhortation* to them to proceed in the same course, and a *promise* that he would be suddenly with them.

[2] Mat. Per.
F. 130 n. 30.
The Pope
sends his Legat
to dissuade
the King of
France from
permitting
his Son to in-
vade England.

In the mean while the *Pope* sent [2] *Walo* or *Guale* his *Legat* into *France* to prevent the *expedition* of *Lewis* into *England*, who delivered to *King Philip* his *Letters*, by which he endeavoured to persuade him, not to permit his Son to invade *England*, nor *Disturb* the *King* thereof, but to *protect*, *Defend* and *Love* him as a *Vassal* of the *Roman Church*; The *Dominion* of whose *Kingdom* belonged un-

[3] Ibid. n. 40
The King of
France his
Answer to the
Pope.

To which the [3] *King of France* hastily answered, That the *Kingdom* of *England* never was, nor is, nor ever shall be the *Patrimony* of *Peter*; for *King John* several years since, endeavoured to *Dethrone* his *Brother Richard*, for which he was *accused* of *Treason*, and *Condemned* in that *Kings Court*; *Hugh de Plessep* *Bishop of Durham* pronouncing the *Sentence* against him, and therefore he never was a true *King*, nor could give his *Kingdom*. Also, if at any time he was a true *King*, since that he had been *Condemned* in his *Court* for the *Death* of his *Nephew Arthur*. Also that no *King* or *Prince* could give away their *Kingdom* without the *Assent* of their *Barons* who are bound to defend it. These were the *Arguments* of the *King of France*, to invalidate and null the *Popes Title*.

[4] Ibid. n. 50
F. 131. lin. 1.
n. 10.
The Pope
Legat dis-
suades the
King of France
aid his Son
from the Inva-
sion of Eng-
land.
The King of
France his
Answer to him.

The next day [4] by means of the *King of France*, *Prince Lewis* was present in the *Conference*, where the *Legat* began to persuade him, That he would not invade or possess *England*, the *Patrimony* of the *Roman Church*, and also applied himself to his Father according to the *Effect* of the *Popes Letters*. To whom the *King* said, he always was much *Devoted* to the *Pope*, and the *Roman Church*, and always effectually promoted their affairs. Nor should his Son now by his advice or assistance attempt any thing against them. But if he *Challenged* any right to the *Kingdom of England* let him be heard, and what is just, Granted unto him.

[5] Ibid. n. 10.
The Argu-
ments of
Prince Lewis
against King
John and the
Pope.

Upon which Word a [5] *Knight* stands up and Argues for *Lewis* against *King John*, and the *Pope*. 1st, That *King John* as before had *Destroyed* his *Nephew Arthur* with his own hands, and was therefore *Condemned* to *Death* by his *Peers* of *France*. 2. Afterwards for many *Murders* or *Man-slaughters* (pro multis homicidiis) and other *Enormities* Committed in *England*, he was by the *Barons* *Rejected*, and not suffered to *Reign* over them. 3. That without the *Consent* of his *Barons* he gave the *Kingdom of England* to the *Pope* and *Church of Rome*, to take it again, and hold it of them under the *Annual Tribute* of a *Thousand Marks*. 4. Although he could not give away the *Crown of England* without the *Consent* of the *Barons*, yet he might *Quit* it, and *Renounce* his *Right*, which so soon as he had done, and resigned, he *Unkinged* himself, and the *Kingdom* was void.

void, and the *Vacancy* of the *Kingdom* was not to be provided for without the *Barons*; whereupon they chose *Lewis* by reason of his *Wife*, whose * *Mother* the *Queen of Castile*, was the only child living of all the *Sons* and *Daughters* of the *King of England*. These were the *Arguments* used by *Lewis* his *Advocate*, against the *Titles* of *King John* and the *Pope*.

His claim to
England.
* Eleanor se-
cond Daugh-
ter to King
Hen. 1. mar-
ried to Al-
phonso King of
Castile, was
Mother to
Blanch Lewis
his Wife.
[6] Ibid. n.
30.
The Papes
Legat pleads
for King John.

The *Legat* [6] urged that *King John* was signed with the *Cross* (Cruce signatus erat) or had undertaken the *Crusado*, and therefore according to a *Constitution* of the *General Council* ought to be free from *Disturbance* for four years, and under the *protection* of the *Apostolic See*. *Lewis* his *Advocate* Answered, That *King John* before he was signed with the *Cross*, had made *War* upon him, taken his *Castles*, and wasted his *Countries* with *Fire* and *Sword*; and had taken many *Knights* and others which he then detained in *Prison*, and was then in actual *War* against his Master *Lewis*, and therefore the *War* he intended against him was just.

The *Legat* [7] not satisfied with his Reasons, forbade *Lewis* under pain of *Excommunication* to enter *England*, and his Father to permit him to do it. *Lewis* begged of his Father not to hinder his Design in prosecuting his *Right*; for that he resolved to hazard his *Life* to obtain the *Inheritance* of his *Wife*, and then departed from the *Colloquium* or *Conference*, [8] which the *Legat* observing, desired safe passage from the *King of France* to the *Sea*, which the *King* willingly granted through his own *Lands*, but would not undertake to secure him, if he should fall into the hands of his Son *Lewis* his friends, that Guarded the *Sea*: at which the *Legat* was *Angry* and departed from *Court*.

[7] Ibid. n. 30.
He is unsatis-
fied.

[8] Ibid. n. 40
and leaves the
Court of
France.

Lewis [9] on the *Morrow* after *St. Mark*, went to his Father then at *Mebun*, and beseeched him with *Tears* not to hinder his Design. He gave him not his consent openly, but privately permitted him to go, and dismissed him with his Blessing. He sent his *Envoyes* to the *Roman Court*, to Declare to the *Pope* his right to the *Kingdom of England*. And [11] then with all Diligence marched to *Caleis* with the *Earls*, *Barons*, *Knights* and others, that had sworn to go with him in this Expedition, that he might come into *England* before the *Legat*.

[9] Ibid.
Lewis receives
his Fathers
Blessing.

[11] Ibid. n. 50.
and goes with
his Army for
England.

At that Port [12] they found ready to receive them six Hundred Ships and Forty four Cogs, which *Eustace the Monk* had gathered together. They shipped themselves with all speed, and landed in the *Isle of Thanet* upon the 21st of *May*.

[12] Ibid. n. 5.
182. lin. 1.
He Lands in
the Isle of
Thanet.
A. D. 1216.

King John [13] at this time was at *Dobert* with his Army which consisted of *Strangers*, and therefore he dare not attempt to hinder the Landing of the *French*, lest his men should leave him, and go off to *Lewis*. From hence he marched, (leaving *Hubert de Burgh* Governor of the *Castle*) to *Guilford*, and from thence to *Winchester*.

[13] Ibid. lin.
King John
dare not hin-
der his Land-
ing.

Lewis

them a great *Summe* of *Money* and promised a greater, and engaged he should become his *Tributary* *Sully*; if he would find an occasion to *Confound* the *Archbishop* of *Canterbury*; and to *Excommunicate* the *Barons*, which formerly he had *Cherished* and *Incouraged*.

[1] Append.
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Prince Lewis
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The *Barons* [1] for their better incouragement, received *Letters* of *Thanks* from *Prince Lewis*, for their *stout* behaviour in his cause, with an *exhortation* to them to proceed in the same course, and a *promise* that he would be suddenly with them.

[2] Mat. Par.
F. 130 n. 30.
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In the mean while the *Pope* sent [2] *Walo* or *Guado* his *Legat* into *France* to prevent the expedition of *Lewis* into *England*, who delivered to King *Philip* his *Letters*, by which he endeavoured to persuade him, not to permit his Son to invade *England*, nor *Disturb* the *King* thereof, but to *protect*, *Defend* and *Love* him as a *Vassal* of the *Roman Church*; The *Dominion* of whose *Kingdom* belonged un-

[3] Ibid. n. 40.
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Answer to the
Pope.

To which the [3] *King* of *France* hastily answered, That the *Kingdom* of *England* never was, nor is nor ever shall be the *Patrimony* of *Peter*; for *King John* several years since, indeavoured to *Dethrone* his *Brother Richard*, for which he was *accused* of *Treason*; and *Con- victed* in that *Kings Court*; *Hugh de Putesley Bishop* of *Durham* pro- nouncing the *Sentence* against him, and therefore he never was a true *King*, nor could give his *Kingdom*. Also, if at any time he was a true *King*, since that he had been *Condemned* in his *Court* for the *Death* of his *Nephew Arthur*. All that no *King* or *Prince* could give away their *Kingdom* without the *Assent* of their *Barons* who are bound to defend it. These were the *Arguments* of the *King* of *France*, to in- validate and null the *Popes Title*.

[4] Ibid. n. 30.
& f. 281. lin. 1.
u. 10.
The Pope
Legat dis-
suades the
King of France
and his Son
from the Inva-
sion of Eng-
land.
The King of
France his
Answer to
him.

The next day (4) by means of the *King* of *France*, *Prince Lewis* was present in the *Conference*, where the *Legat* began to persuade him, That he would not invade or possess *England*, the *Patrimony* of the *Roman Church*, and also applied himself to his Father according to the *Effect* of the *Popes Letters*. To whom the *King* said, he al- ways was much *Devoted* to the *Pope*, and the *Roman Church*, and al- ways effectually promoted their affairs. Nor should his Son now by his advice or assistance attempt any thing against them; But if he *Challenged* any right to the *Kingdom* of *England* let him be heard, and what is just, *Granted* unto him.

[5] Ibid. n. 10.
The Argu-
ments of
Prince Lewis
against King
John and the
Pope.

Upon which Word a [5] *Knight* stands up and *Argues* for *Lewis* against *King John*, and the *Pope*. 1st, That *King John* as before had *Destroyed* his *Nephew Arthur* with his own hands, and was there- fore *Condemned* to *Death* by his *Peers* of *France*. 2. Afterwards for many *Murders* or *Man-slaughters* (pro multis homicidiis) and other *Exorismies* Committed in *England*, he was by the *Barons* *Rejected*, and not suffered to *Reign* over them. 3. That without the *Consent* of his *Barons* he gave the *Kingdom* of *England* to the *Pope* and *Church* of *Rome*, to take it again, and hold it of them under the *Annual Tribute* of a *Thousand Marks*. 4. Although he could not give away the *Crown* of *England* without the *Consent* of the *Barons*, yet he might *Quit* it, and *Renounce* his *Right*, which so soon as he had done, and resigned, he *Unkinged* himself; and the *Kingdom* was

A

B

C

D

E

F

void.

void, and the *Vacancy* of the *Kingdom* was not to be provided for without the *Barons*; whereupon they chose *Lewis* by reason of his *Wife*, whose * *Mother* the *Queen* of *Castile*, was the only child living of all the *Sons* and *Daughters* of the *King* of *England*. These were the *Arguments* used by *Lewis* his *Advocate*, against the *Titles* of *King John* and the *Pope*.

His claim to
England.
* *Alicor* se-
cond Daugh-
ter to King
Hen. 2. mar-
ried to Al-
phonso King of
Castile, was
Mother to
Blanch Lewis
his Wife.
[6] Ibid. n.
10.
The Pops
Legat pleads
for King John.

The *Legat* [6] urged that *King John* was signed with the *Cross* (*Cruce signatus erat*) or had undertaken the *Crusado*, and therefore according to a *Constitution* of the *General Council* ought to be free from *Disturbance* for four years, and under the pro- tection of the *Apostolic See*. *Lewis* his *Advocate* Answered, That *King John* before he was signed with the *Cross*, had made *War* upon him, taken his *Castles*, and wasted his *Countrie* with *Fire* and *Sword*; and had taken many *Knights* and others which he then detained in *Prison*, and was then in actual *War* against his *Master Lewis*; and therefore the *War* he intended against him was just.

The *Legat* [7] not satisfied with his Reasons, forbade *Lewis* under pain of *Excommunication* to enter *England*, and his Father to permit him to do it. *Lewis* begged of his Father not to hinder his *Design* in prosecuting his *Right*; for that he resolved to hazard his *Life* to obtain the *Inheritance* of his *Wife*, and then departed from the *Colloquium* or *Conference*, [8] which the *Legat* observing, desired safe passage from the *King* of *France* to the *Sea*, which the *King* willingly granted through his own *Lands*, but would not undertake to secure him, if he should fall into the hands of his Son *Lewis* his friends, that *Guarded* the *Sea*: at which the *Legat* was *Angry* and departed from *Court*.

[7] Ibid. n. 30.
He is unsatis-
fied.

[8] Ibid. n. 40
and leaves the
Court of
France.

Lewis [9] on the *Morrow* after *St. Mark*, went to his Father then at *Meburg*, and beseeched him with *Tears* not to hinder his *Design*. He gave him not his *consent* openly, but privately per- mitted him to go, and dismissed him with his *Blessing*. He sent his *Envoyes* to the *Roman Court*, to *Declare* to the *Pope* his right to the *Kingdom* of *England*. And [1] then with all *Diligence* marched to *Caleis* with the *Earls*, *Barons*, *Knights* and others, that had sworn to go with him in this *Expedition*, that he might come into *England* before the *Legat*.

[9] Ibid.
Lewis receives
his Fathers
Blessing.

[1] Ibid. n. 50.
and goes with
his Army for
England.

At that Port [2] they found ready to receive them six Hundred *Ships* and four score *Cogs*, which *Eustace* the *Monk* had gathered together. They *Shipped* themselves with all speed, and *Landed* in the *Isle* of *Chanet* upon the 21st of *May*.

[2] Ibid. & f.
182. lin. 1.
He Lands in
the Isle of
Thanet.
A. D. 1216.

King John [3] at this time was at *Dober* with his *Army* which consisted of *Strangers*, and therefore he dare not attempt to hinder the *Landing* of the *French*, lest his men should leave him, and go off to *Lewis*. From hence he marched, (leaving *Hubert de Burgh* Governor of the *Castle*) to *Guisford*; and from thence to *Win- chester*.

[3] Ibid. llo.
King John
dare not hin-
der his Land-
ing.

Lewis

[4] Ibid. n. 10.
Lewis subduces Kent,

is joyfully received at London.
The Barons do Homage and Fealty to him.
[5] Append. n. 134.

The Barons break their promises with the King.

[6] Mat. Paris ut supra.
Lewis sends to the King of Scots to come and do him Homage.
[7] Ibid. n. 10, and to the Barons.
Several of them Desert King John.
[8] Ibid.
Simon Langton is made Chancellor.
He preaches against the Interdict.

[9] Ibid. & n. 30.
Gualo the Pope's Legat comes into England.
He excommunicates Lewis by name, &c.
And Simon Langton.

[1] Ibidem.
The Flemings, &c. leave King John.

Lewis finding none [4] that resisted, presently subdued all Kent but Dover Castle; in his March he took in Rochester Castle, and coming to London he was received by the Barons with all imaginable Demonstrations of Joy: And there he received the Homages and Fealty of all the Barons and Citizens that were in Expectation of his coming, and he swore to them upon the Holy Gospels, that he would give every one good Laws, and restore their lost Estates.

When the [5] Peace was made between the King and Barons, at Runemede, the Barons promised they would give the King any security he should desire for the Observation of it; Except their Castles, and Pleges or Hostages. The King not long after Demanded of them Charters by which they were to acknowledge, they were bound by Oath and Homage, to keep Faith to him, for the preservation of his life and Limbs and Terrene Honour, against all men, and to preserve and Defend the Rights of him, and his heirs to the Kingdom, and they Refused to do it. When as Most of the same men without Summons, and others at the first notice came flocking in to Swear the same things to Lewis.

For by the 14th of [6] June he had got Possession of so much of the Kingdom, as he had the Confidence to Summon the King of Scots, and all the Great Men of England to come and do him Homage, or forthwith to Depart the Nation, and with great speed upon his [7] Order, There came into him William Earl Warren, William Earl of Arundel, William Earl of Salisbury, William Marshal the Younger, and many others, who Deserted King John, with full assurance that Lewis would obtain the Kingdom of England.

Who made [8] Simon Langton his Chancellor, by whose Preaching the Citizens of London, and all the Excommunicated Barons caused Divine Service to be Celebrated, and Drew in Lewis himself to consent to it.

Gualo the Legat [9] followed Lewis into England with all speed, and got safe to King John, who was then at Gloucester, and there calling together as many Bishops, Abbats, and Clerges, as he could, excommunicated by Name Lewis, with all his accomplices, and Favourers, and especially Simon de Langton, commanding all the Bishops and others to Publish the Sentence against them every Lords Day and Festival. But Simon de Langton and Master Gerbale de Polbrugge Prætor of St. Pauls London, said they had Appealed, for the Right and Title of Lewis, and therefore the Sentence was null and void.

At this Time [1] all the Knights and Ordinary Soldiers of Flanders and other Transmarine Countries left King John, except the Poitrobins; some whereof went over to Lewis and others returned home.

In

In the mean time [2] Lewis with a Great Army Marched through Kent into Sussex, and Reduced that Country, with its Towns and Fortresses and City of Winchester with the Castle; only one Brave Young Man; [3] William de Colingeham, defied Lewis, and refused to Swear Fealty to him, who with a Thousand Archers, all the time of Hostility, kept himself in the Woods and Fastnesses of that Country, and Killed several Thousands of the French.

Hugh de Merville [4] came to Lewis at Winchester, Delivered him the Castle of Bathborough, and did Homage to him; so that he was possessed of all the South Parts of the Nation, except the Castles of Dover and Windsor, which were well Manned and fortified, and prepared to receive him. [5] William de Mandevill, Robert Fitz Walter, and William de Huntingfield by Armed Force brought under his Obedience the Counties of Essex and Suffolk.

In the [6] mean time King John took care to Furnish and Strengthen as well as might be with Men, Victuals, and Armes, several Castles in the West, Walsingham, Epsom, Warham, Bristol, the Devises, and others.

In the midst of these Successes, Lewis received an Account from the [7] Messengers he had sent to the Pope, that upon their Application to him and presenting his Salutation or Complement, he told them, he was not worthy the return of his Salutation. They replied when his Holiness had heard his Reasons and Apology, they doubted not but he would find him a Catholic Christian and much Devoted to him and the Roman Church, and at length after many addresses [8] found him wavering, Pendulous, and Fluctuating in his stability and affection between himself and King John, having on both sides considered his Interest.

The Reasons and Arguments presented to the Pope in behalf of Lewis by his Messengers were these. First, That [9] Murder of Duke Arthur his Nephew as before, and King John being adjudged to Death by his Peers for that fact. To which the Pope Answered, the Barons of France could not Judge him because he was anointed King and their Superior, and that it was against the Canons to Judge an absent Person, and not heard to make his Defence, nor convicted, or that had Confessed his Crime. To which the Ambassadors of Lewis answered, It was a Custom in the Kingdom of France, that the King had all Jurisdiction whatsoever (omni iudicium) over his Liege Men. That the King of England was his Liege Man, as an Earl and Duke. Therefore though he was a King anointed, yet as he was an Earl or Duke, he was under the Jurisdiction of his Lord the King of France. But if an Earl or Duke Committed a Crime in the Kingdom of France, he might and ought to be Judged by his Peers; [1] and if he were neither Duke or Earl, or Liege Man of the King of France, and had Committed a Crime in the Kingdom of France, yet by Reason the Crime was Committed in France, the Barons might Judge him to Death; otherwise if the King of England, because he was an anointed King (who was then a Peer of France) could not be Judged to Death, might

safely

[2] Ibid. n. 40.
Lewis marcheth through Kent into Sussex.

[3] Ibid.
And subdues that Country.
The Bravery of William de Colingeham.

[4] Ibid. & n. 50.
Hugh Newill Delivrs Bathborough Castle to Lewis and did Homage to him.
[5] Ibid. f. 23. l. 1.
Robert Fitz Walter, &c. by force subdue Essex and Suffolk.

[6] Ibid. l. 13.
King John fortifies and strengthens his Castles in the West.
[7] Ibid. n. 10.
The Pope Answers to Lewis his Messengers.

[8] Append. 135.
He is wavering in his Thoughts and favours between King John and Lewis.

[9] Mat. Paris ut supra. 183. n. 30. 40.
The weak Arguments and answers mutually proposed, and given between the Pope and Lewis his Envoyes, for and against him.

[1] Ibid. n. 40.

lively enter the Kingdom of France, and Kill the Barons of that Kingdom, as he had Killed his Nephew Arthur.

[4] Ibid. n. 20. Quere, Why the Monk said this?

The Moral Objections, Answers and Replies, &c.

[3] Ibid. fol. 284. lin. 1. Of the King of France, and the Envoys of the King of England.

[4] Ibid. lin. 4. Concerning his answering in the Court of France,

as a Peer of that Kingdom.

[5] Ibid. n. 10.

[6] Ibid. *Mat. Paris* his Opinion about the Condemnation of King John in the Court of France.

[7] Ibid. n. 20. The Popes Opinion about the Death of Duke Arthur. [8] Ibid. n. 30. 40. The second Objection against King John, and the Popes answer. The Replies of Lewis his Envoys to the Pope.

His Answers to them again.

[9] Ibid. fol. 285. lin. 2.

The Monk [2] tells us the truth of the Matter was thus: That King John was not justly adjudged from the Dukedom of Normandy, because he was not judicially, but violently thrust out of it. For that he sent Eustace Bishop of Ely, and Hubert de Burgh, to let the King of France know, That he would willingly appear in his Court, and was ready to stand to the Law in all things, if he might have a safe Conduct. The King of France answered he should come safely. The Bishop then asked him, And shall he return safely? [3] To which the King returned, If his Peers would permit him. And when the King of England's Envoys pressed that he might safely come into, and return out of France, King Philip swore by the Saints of his own Country, he should not depart without Judgment, or Trial. [4] The Bishop urged the Dangers that might happen by his coming without Safe-Conduct, and that he could not come to his Court as Duke of Normandy, but he must come as King of England; when as the same person was both King and Duke; which the Baronage of England would no ways permit, though the King would submit to it: For he must either run the Hazard of Imprisonment or Death. To which the King of France Rebutted, And what is this, my Lord Bishop? 'Tis well known the Duke of Normandy my Tenant hath violently acquired England; and if he suddenly hath acquired any greater Honor, shall this prejudice his Capital Lord? Shall he lose by it? Certainly not. [5] To which (saith the Monk) the King of England's Messengers could Surrebutt, or answer nothing, and so returned home.

But adds, [6] The Monk notwithstanding what the King of England's Envoys said, the Great Sen of France proceeded to Judgment; which justly they ought not to have done; because he that was judged was absent, and would have appeared if he could. And therefore King John being condemned by his Adversaries, was not justly condemned. [7] The Pope says Duke Arthur was taken by his Uncle at the Castle of Brebel, after he had done Homage and Ligeance to him; and therefore might be put to Death without Judgment.

Secondly, [8] 'Twas Objected against King John, That he was often Cited to appear in the Court of the King of France; and neither appeared personally, nor sent any one to appear for him. The Pope answered, This was only Contumacy, and not a Mortal Crime, and was otherwise to be punished; and therefore the Barons could not judge him to Death. Lewis his Messengers replied, That it was the Custom of France, That if any one was accused of Murder, and appeared not, but sent his excuse, he was judged as Convicted in all things; and the Issue of him barred from Inheriting. To which the Pope answered again, That suppose King John had been Judged to Death, and his Issue barred, (which could only be for his Territories in France;) yet Blanch the Wife of Lewis ought not to succeed; but either the Sister of Arthur, or Otto Son of Henry Duke of Saxony by her Eldest Sister Haud; or the King of Castile her Brother, or the Queen of Leon her Eldest Sister. [9] To which Lewis his Envoys again Replyed, That she had a Title, which was good while others

others appeared, and if any never to it afterwards claimed, Lewis might do what he thought fit, or what he ought to do.

3. To these things the [1] Pope said the Kingdom of England was his property, and that Lewis ought not to spoil him of his Kingdom by War; To this Lewis his Commissioners Answered The War was begun before the Pope could pretend to it. [2] For William Long-espée and many with him came and invaded Lewis his Territories, Therefore his War was just against the King of England that sent him. [3] The Pope answered Lewis ought not to make War upon him for what his Vassal had done, but to make his complaint to him as his Lord. To this the Commissioners Replyed, [4] There was a Custom in France, That when any Vassal made War upon any one by Authority of his Lord, he might make War upon him again without complaining to his Lord. [5] The Pope urged further, That the Barons were Excommunicated, and all their Favorers, by which means Lewis would incur the pain of Excommunication; To this his Commissioners replied he did not favor or Cherish the Barons of England, but prosecuted his own right: And that he believed neither the Pope nor so great a Council would Excommunicate any man unjustly, for that at the time of declaring the Sentence, they knew not what right he had to the Kingdom of England. [6] And after all, the Pope said he would determine nothing until that he heard from his Legat Walter. This was the Discourse between the Pope and Lewis his Envoys, their mutual Objections, Answers, Replies, &c.

Lewis [7] made a great Cavalcade into the East of England, the Counties of Essex, Norfolk and Suffolk, and miserably wasted them, put a Garrison into the Castle of Norwich, which Thomas de Burgh had deserted. This done, the French returned with great Booty and Spoils to London; where Gilbert de Gant came to Lewis, by whom he was Girt with the Sword of the County of Lincoln, and made Earl thereof, and was then sent to restrain and block up the Forces in the Castles of Nottingham and Newark.

At the [8] same Time, Robert de Ros, Peter de Brus, and Richard de Berci reduced York and Yorkshire to his Obedience. Gilbert de Gant and Robert de Ropelle took the City of [9] Lincoln with the Country round about, except the Castle, and put them under Annual Tribute. Then they Plundered Holland, and made it Tributary. [1] The King of Scots made subject to Lewis all Northumberland, except the Castles which Hugh de Ballicl, and Philip de Pulercores Defended.

About [2] Midsummer Lewis Besieged Dover Castle, where Hubert de Burgh was Governor, after he had Battered it for some time, he was beaten off by the Defendants, and forced to remove his forces to some Distance, where they lay Quiet, and intended to starve those they could not Conquer.

[1] Ibid. l. 5. The Pope asserts his own Title.

[2] Ibid. n. 10. Lewis his Envoys intended to invalidate it.

[3] Ibid. The Popes Answer to their Argument for War against King John.

[4] Ibidem. The Reply of Lewis his Envoys.

[5] Ibid. n. 30. The P. 22. Argument against the War.

The Reply of Lewis his Commissioners.

[6] Ibid. n. 40. The Popes Resolution.

[7] Ibid. & n. 50. Lewis walls Essex, Norfolk, and Suffolk, and returns with the Spoils to London.

He makes Gilbert de Gant Earl of Lincoln, and sends him to Block up Nottingham and Newark Castles.

[8] Ibidem. York, and Yorkshire, subjected to Lewis.

[9] Ibid. f. 286. lin. 1. 2. Holland in Lincolnshire Plundered.

[1] Ibid. lin. 4. A great part of Northumberland made subject to him.

[2] Ibid. n. 10. A. D. 1216. Lewis Besieged Dover Castle.

[3] Ibid. n. 10.
Part of the Barons made an incursion into Cambridge, Norfolk, and Suffolk, &c. Tarmouth, Dunwich and Ipswich redeemed themselves.

[4] Ibid. n. 30.
They return with their Plunder to London.

[5] Ibid. n. 30.
The Barons Besiege Windsor Castle.

[6] Ibid. n. 40, 50.
King John rallies an Army out of his Garrisons, with which he marched up and down the Counties and waited the Barons Estates. The Barons leave the Siege of Windsor Castle and follow the King. When they could not take him they plunder the Counties.

[7] Ibid. fol. 287. lin. 1.
and bring their prey to London.
[8] Ibid. n. 10, 10.
The Viscount of Melun Discovers Lewis his Designs and Intentions against the English Barons, and English Nation.

At the [3] same time part of the Barons made a Cabalade into Cambridgeshire, wasted the whole Country, and took the Castle; from thence they marched into Norfolk and Suffolk, and plundered them and all the Churches, and forced the Towns of Tarmouth, Dunwich, and Ipswich, to most Grievous Redemption; and Returning by Chester Committed the like Outrages there, and came again to their known lurking places of London, ad [4] nota Londoniarum latitula reversi sunt.

After this the [5] Barons gathered together a great force under the Command of the Earl of Hereb, and Besieged Windsor Castle, in which were Sixty Knights with their several Retinues. The French applied their Battering Engines against the Walls, and the Defendants indeavoured to Beat them off.

Mat. Paris says [6] so soon as King John knew Dover and Windsor Castles were Besieged, out of his Garrisons raised a great Army, and for one Month Marched speedily up and down the Countries, and wasted the Lands of the Earls and Barons, Burnt their Houses, Destroyed their Fruit and Corn. That at Length, he wandered into the Counties of Norfolk and Suffolk, and there wasted the Estates of the Earl of Arundel, Roger Bigon, William de Huntingfield, and other great men. And that the Barons seeing they could make no progress in the Siege of Windsor, left it in the night, and their Tents behind them, and Marched in all haste toward Cambridge, that they might shut up, and surprize the King: But he having notice of their Coming that way, made his Escape to Stanford, and from thence went towards Lincoln, the Castle whereof was then Besieged by Gilbert de Cant, who upon his Appearance fled with all his Forces. The Barons hereupon having Missed the King, Plundered and Wasted the Countries, and [7] returned to London with their Spoils and Prey; where placing a Garrison, they went to Lewis then busied in the siege of Dover Castle, where came to him Alexander King of Scots, and did him Homage for the Lands he held of the King of England.

It [8] happened at this time, That the Viscount of Melun a French Nobleman that came with Lewis into England, fell sick in the City of London, and when he saw Death approaching, he called to him some of the Barons of England that remained there for the security of the City; and told them he was sorry for the Destruction and Ruine that was coming upon them, which they understood not. For Lewis had Sworn with sixteen Earls and Barons of France, that when he had Conquered England and was Crowned, he would for ever Banish all those that fought for him, and persecuted King John as Traitors, and Destroy all their Generations, and that they might not Doubt of it, he affirmed in words of a Dying man, and as he hoped for Salvation, That he himself was one of those, That Swore with Lewis, and so wished them not to Discover what he said, but provide for their safety, he presently Dyed.

When

When these things [9] were whispered amongst the Barons, they were much troubled; for they observed that when Lewis took any of their Castles from the King, he placed in them French Governors, notwithstanding their Oppositions. But it Grieved them most, That he had Stigmatized them with the Character of Traitors: And it added to their grief not a little, That they were Excommunicated. Some of them Reflecting upon their Condition, Thought of returning to their obedience, but feared they had so highly provoked King John, That he would not admit of their Repentance.

Upon the Patent [1] Roll of this year we find King John Busied in the West all this Summer, from almost the beginning of May, to the beginning of September; for by the Grants there made, the Provisions and other things there Granted, we find he was in perpetual motion, and he very seldom stayed 2 or 3 Days in a place, as appears by the Lists of the Patents, where the place of his being is always Expressed. Sometimes at the beginning of the Summer he was at Winchester, at the Dibites, at Bistol, Wells, Shirborn, Warham, Corfe Castle, Lutgarthall, Berkeley Castle, and very many other places in the West Country; and backward and forward to and from the same places. While he was here in the West, he made [2] Lin in Norfolk, as it were a place of Refuge or Defence to those of his party, and his Loyal Subjects: and there also without doubt secured his Treasure, Crown, and all his portable and moveable Royalties, as appears by the sequel of the Story.

When he left the West he came to [3] Oxford, where he was September 3d and 4th, and thereabouts until the 8th of that Month, when he was at [4] Sunning,

D On the 13th of [5] September he was at Walingford.
At Aylesbury on the 15th.
At Bedford the same day.
At Cambridge on the 16th.
At Clare on the 18th.
Apud Clivam the 20th.
At Boking the 21st.
At Lincoln the 22d day.
E At Stow in Lincolnshire 27th.
At Lincoln 28th.
At Lincoln 2d of October.
At Grimesby the 4th of October.
At Spalding the 7th of October.
At Lin the 9th and 11th of October.
At Wisbech the 12th of October.
At Lifford alias Sleaford the 15th of October.
F At Newark Castle the 16, 17, 18th, of October.

Upon the Patent Rolls of this year, we find the Grants dated at the places and days above written, for a proof whereof see the [6] Appendix, where three or four of the last Grants being very short are inserted.

[9] Ibid. n. 50.
The Barons begin to repent of their usage of King John, and dispair of pardon from the greatness of their Crimes.

[1] Reg. Pat. 18 John.
The King was up and down in the West Country most part of the Summer.

[2] Append. N. 136.
Lin in Norfolk a place of Refuge for the Kings persecuted Subjects, his Treasure there secured, &c.
[3] Reg. Pat. 18 John. m. 2, 3. N. 37.
[4] Ibid. M. 2. N. 25.
[5] Ibid. M. 1, 2.
The several places where King John was almost every day for a month before his Death.

[6] N. 137.

[7] See here a little before The Barons Hunt the King from place to place, and cannot take him.

[8] See 87. n. 40. The Patent Rolls agree not with Paris his Report.

[9] Ibid. 3. n. 30 King John received with great Joy at Lin. &c.

[9] Mat. Paris f. 187. n. 50.

King John gave a Cup and Sword to the Town of Lin.

[*] Dugdal. Digger, of Imbanking and Drayning, f. 256. Col. 1 & f. 300. Col. 1.

The meaning of the Barren opening in the midst of the Floods, and the Gulph of the Abyss.

'Tis probable [7] as Paris reports, That the Barons might Rise from before ~~Winchester~~ ^{Swineshead} Castle about the Middle of September, and march after the King, and Hunt him from Cambridge to Clare, from thence to ~~Clare~~ ^{Clare}, (where that is I know not) and from thence to ~~Swinshead~~ ^{Swinshead} near ~~Walsingham~~ ^{Walsingham} in Essex, where he was September 21st, and from thence that day he might march Cross the Country to ~~Wotton~~ ^{Wotton}, and so to ~~Puntington~~ ^{Puntington}, ~~Stanford~~ ^{Stanford}, and to ~~Lincoln~~ ^{Lincoln} the next day. And when he knew the Barons were marched back to London, and from thence to ~~Dover~~ ^{Dover}, to ~~Lewis~~ ^{Lewis}, he then came to ~~Spalding~~ ^{Spalding}, and so over the ~~Wash~~ ^{Wash} to ~~Lin~~ ^{Lin}, for his Carriages and Treasure which were secured there, and to recruit his Army with such of his Loyal people that had Fled thither.

For Paris [8] tells us further, That when ~~Lewis~~ ^{Lewis} had a long time in vain Besieged ~~Dover~~ ^{Dover} Castle, King John came into the Counties of ~~Hertford~~ ^{Hertford} and ~~Suffolk~~ ^{Suffolk}, and miserably wasted them; and going by ~~Peterburgh~~ ^{Peterburgh} and ~~Copland~~ ^{Copland}, plundered those Abbs; at length in his passage toward the North he took his way through ~~Lin~~ ^{Lin}, &c. This doth no ways agree with the Patent Rolls, which say he was at ~~Grimsby~~ ^{Grimsby} in ~~Lincolnshire~~ ^{Lincolnshire} upon the 4th of October, at ~~Spalding~~ ^{Spalding} in the same County, upon the 7th, at ~~Lin~~ ^{Lin} on the 9th and 11th, at ~~Wilsbergh~~ ^{Wilsbergh} on the 12th, from whence he went back to ~~Lin~~ ^{Lin}, and went over the ~~Wash~~ ^{Wash} on the 14th of October, to ~~Swinshead~~ ^{Swinshead} Abbs, which agrees with the latter part of the Story in Paris, and the Patent Rolls.

For he says, [9] That the King coming to ~~Lin~~ ^{Lin}, was Received with great Joy and Presents * by the Inhabitants. And that passing from thence towards the North, he lost all his Wagons, Carts, Sampter Horses, with their Lading, and all his Treasure, pretious Vessels, & Regalia, his portable Royalties in the River called (a) ~~Well-Stream~~ ^{Well-Stream}, where, says [3] the Monk, the ^b Earth opened in the Midst of the

* At this time it must be that this King as a Mark of his Favor and Affection to this Town for their signal Loyalty, gave them one of his Drinking Bowls, and a Sword from his own side, which now doth, and ever since hath remained with the Mayor The Sword hath this Inscription,

Enst hic. Donum Regis Johannis,
A suo ipsius Latere, Datum.

(a) That which was then called ~~Well-Stream~~ ^{Well-Stream}, was the River of ~~Onse~~ ^{Onse}, whose Current now Discharge it self into the Sea by ~~Lin~~ ^{Lin}, but then it [*] passed under the Town of ~~Lincoln~~ ^{Lincoln} in the Isle of ~~Ely~~ ^{Ely}, and so on to ~~Wellbeck~~ ^{Wellbeck}, and through the two Towns of ~~Upwell~~ ^{Upwell} and ~~Outwell~~ ^{Outwell}, (from whence its name) and so under ~~Walsoken~~ ^{Walsoken} Sea Bank, through the Washes between ~~Lincolnshire~~ ^{Lincolnshire} and ~~Marishland~~ ^{Marishland} into the Sea, where the River of ~~Nene~~ ^{Nene} that comes from ~~Peterburgh~~ ^{Peterburgh} through ~~Wibbeck~~ ^{Wibbeck}, and runs through those Washes now, and slides into the Sea.

b By the opening of the Earth in the midst of the Floods, and the Gulfe of the Abyss. The Monk means and describes the Washes between the Cross Keys in the Parish of Terrington in ~~Marishland~~ ^{Marishland} in ~~Norfolk~~ ^{Norfolk}, and ~~Fosdike~~ ^{Fosdike} in ~~Holland~~ ^{Holland} in ~~Lincolnshire~~ ^{Lincolnshire}, over which at this day Passengers and Travellers go with Guides; and sometimes through the Ignorance or Negligence of the Guides they miscarry, either by falling into Quicklands; or being taken by the Tide: That is, the Tide coming too full upon them in their passage, and overflowing the Washes, That they lose their Way and Peril: And this most certainly was the Case with King John's Carriages. For this was the nearest way, and most direct passage from ~~Lin~~ ^{Lin} to the Cross Keys, and so over the Washes to ~~Fosdike~~ ^{Fosdike}, from thence to ~~Steford~~ ^{Steford} and so to ~~Newark~~ ^{Newark}, and the most secure from his Enemies, though the passage it self not so safe.

Floods,

Floods, and they all passed into the Gulfe of the Abyss with men and horses; only the King with his Army hardly Escaped. And that night got to ~~Swinshead~~ ^{Swinshead} Abbs and there lodged: where through Grief of mind, for the loss of his Carriages he fell into a Fever, and increased it by Eating Peaches, and Drinking new Bracket that night. Yet early in the morning he departed from thence, and with great Trouble got to ~~Steford~~ ^{Steford} Castle, from whence next day, he could [4] scarce get on horse Back to ~~Newark~~ ^{Newark} Castle (which was but 10 or 15 Miles from thence) in which place his Fever increasing, [5] he Dyed on St. Lukes Day, or the 18th of October at Night, after he had Reigned, saith Paris, eighteen years, five moneths, and four days.

His Body was Buried [6] with due Solemnity in the Cathedral at Worcester.

A very little while before his Death, [7] Forty of the Barons sent their Messengers and Letters to the King, signifying their Desires to Return to their Obedience; But his Condition was such, as he could not take notice of them.

And besides their Growing Jealousies of Lewis, One great Motive of their Returning to their Duty, might be, That they saw the King Disposing of the Estates of those which held of him in Capite (at least) to his Loyal Subjects. As to give an Instance or two of many That are upon the Rolls; He gave the Estate of [8] William de Lande in ~~Coleby~~ ^{Coleby} in ~~Lincolnshire~~ ^{Lincolnshire}, who was with his Enemies, to Oliver de Albiney; and all the Estate of Roger de Cromptesham in ~~Norfolk~~ ^{Norfolk}, to John de Pabill his Clerc.

He loseth all his Carriages and Treasure in the Washes between Marishland and Holland. He falls sick at Swinshead Abbs.

[6] Ibid. n. 10.

[7] Ibid. The Barons would have returned to their obedience. The King gives the Barons Estates to his Loyal Subjects.

[8] Append. N. 138. See Cl. 17. Folio M. 23. 4, 5, 6. & per actum Regulum

Ireland

Ireland and Irish Affairs.

The Govern-
ment of Ire-
land, accord-
ing to the Go-
vernment of
England.

[7] Append.
N. 139.

The Honor of
Limeric Gran-
ted for the
Service of
sixty Knights
fees.

[8] Append.
N. 140.

Ulster gran-
ted to Hugh
Lafcy.

* See that
Story related
in the begin-
ing of this
Reign.

[9] Append.
N. 141.

A third part
of Conaught
granted to the
King thereof,
to hold of
King John as a
Barony.

* It should
seem by this,
that at this
time Conaught
was not fully
reduced to the
Obedience of
the English.

[1] Append.
N. 142.

Three Can-
treds in the
Land of Cork
granted
for the Ser-
vice of ten
Knights.

[2] Mat. Paris
l. 232, lin. 6.
A. D. 1211.
King John
goes into
Ireland
and received
the Homage of
twenty petty
Kings.

OF these much cannot be said in this Kings Troublesome Reign, only we may see his Intention was the same with his Fathers, to have the Government of that Nation according to the Government of England, and the same Dependencies there, by the same Tenures as in this Nation, as appears by the Grant of the Honor of [7] Limeric to William de Braosa in the Second of his Reign, and to his Heirs, as his Father King Henry had given it to Philip de Braosa Uncle to the said William, To hold of him and his Heirs by the Service of sixty Knights Fees; except the City of Limeric, the Donation of Bishopricks and Abbys, The Cantred of the Ostmans and Holy Island which King Henry Retained in his hands; and except the Services of William de Burgh, &c.

In the sixth year of his Reign [8] he signified to Walter Fitz Wemy his Justiciary, and the Barons of Ireland, That he had Granted to Hugh Lafcy for his Homage and Service, The land of Ulster with its appurtenancys, to hold as John de Curcy held it, the day that the said Hugh * seized him in the Field, Saving to him the Donations of Bishopricks and Abbys in that Country.

In the 7th year of his Reign he wrote to [9] Walter Fitz Wemy his Justice of Ireland, That Dermot on the behalf of the King of Connor had declared to him, That that King desired to hold of him a third part of the Land of Connor, to him and his heirs as a Barony, and by the Rent of an hundred Marks by the year; and the other two parts by the yearly Tribute of three Hundred Marks. * That he would grant to King John Two Cantreds in the two parts with the Inhabitants, and Liberty to Build Castles, and to do what he pleased in them. The King thought this offer a good expedient to secure the King of Connaught, and left it to his Justiciary to do what was best for him, with Direction to get if he could 400 Marks as a Fine or Income, and a Tribute of Cows and other things every year, toward the maintenance of the Castles he might build in those Cantreds.

In the ninth of his Reign he Confirmed to [1] William Barry, The reasonable Grant made to his Father Philip de Barry by Robert Fitz Stephan (he was Justiciary to Hen. 2d) of three Cantreds in the Land of Cork; That is to say Olesban with all its appurtenancys, and the other two, Buskerie Dunegan, and the Cantreds of Killede, with all their Liberties, and free Customs by the service of ten Knights, excepting the Rights of the Crown.

For several years, Things by the Care and Circumspection of the Justiciaries or Lieutenants, remained without any very Notable Commotions. In the thirteenth year of his Reign [2] King John Sayled with an Army from Milford Haven, and arrived in Ireland on the sixth of June. When he came to Dublin more than twenty petty Kings of that Nation met him, and did Homage and Fealty to him; some disdained to come, That were got into inexpressible Fastnesses.

He

He caused the English [3] Laws and Customs to be Established there, and placed Sheriffs and other Officers in divers parts of that Nation, that should Govern and judge the people according to those Laws, and made John Gray Bishop of Norwich Justiciary, who made the money of Ireland of the same weight with that in England, for the Conveniency of Traffique between the two Nations.

This done, the King [4] Marched toward his Enemies, and took many of their Fortresses, Walter Lafcy and many others fled before him, fearing they might fall into his Hands: At length he came into the Province of Meath, and Besieged a Castle, in which were David the wife of William de Braosa, and William his Son with his Wife, and took it, but these persons had escaped before, yet were taken again in the Isle of May, and presented to the King * who caused them to be cast into Irons, and sent Prisoners into England to Windsor Castle, where they were starved to Death.

And having Disposed and settled the [5] Affairs of Ireland according to his pleasure, he Returned into England on the 30th of August.

In the [6] fourteenth year of his Reign the Duke of Lembreic or Limeric, and several other great persons by the mediation of the Earl of Bologn were reconciled to the King, and doing Homage, and performing their Services had their Fees restored unto them.

Church Affairs.

These were so mixt and interwoven with the Secular Affairs of this Kings Reign, That they could not be Distinguished in Writing the History. There were but two Councils of any note during the whole time. The one National [7] in the Year 1200, held by Hubert Archbishop of Canturbury against the Prohibition of Geoffrey Fitz Peter the Kings Justiciary, and the other for the particular Diocese of Salisbury held by that Bishop, Richard Dore, [8] about the year 1217. in which were very many Cawons or Decrees made for the Regulating of Ecclesiastic matters within that Jurisdiction, upon several heads, drawn from the then Explication, and Doctrine of Seven Sacraments. But in neither is there any thing of considerable notice.

Taxes

[1] Ibid. n. 10.
The English
Laws Establi-
shed in Ire-
land.

John Gray
Bishop of
Norwich made
Justiciary.

[4] Ibid. n. 10.
King John se-
verely to his
Enemies.

* For the rea-
son of this
Kings severity
against these
people, see the
History in the
latter end of
the year 1208.

[5] Ibid. n.
King John re-
turns to Eng-
land.

[6] Pat. 14.
John, M. 9.
Duf.
The Duke of
Limeric re-
conciled to
him.

[7] Ibid. n.

[8] Spelm.
Council Vol. 2.
In that year.
viz. Johannis.

Taxes in this Kings time, and Money Levied by him for Scutage Service, &c.

[9] Rot. Pip.
1. Johannis, Cl.
vii. London &
Middlesex.
[1] Moved, f.
414. b. n. 10.

Soon after his first Coronation, which was on the 27th of May 1199. [9] He had a *Scutage Tax* of two Marks of every Knights Fee.

In the year 1200. he had of every Ploughland in England [3] three Shillings.

[2] Paris f.
106. lln. 9.

In the year 1201. he had two Marks of every Knights [2] Fee for *Scutage Service* of such as had his Licence to stay at home, upon Summons to pass beyond Sea with him.

[3] Ibid. f.
109. n. 20.

In the year 1203. he took a 7th part of all the *Earls* and *Barons* [3] Goods that left him in *Normandy*.

[4] Ibid. n. 50

In the year 1204. in a *Parliament* at [4] *Oxford* there was granted to him a *Scutage Tax* of two Marks and half of every Knights Fee.

[5] Ibid. f.
112. n. 10.

In the year 1205. he [5] levied of the *Earls* and *Barons* that would not follow him beyond Sea with their Service (*in finitum pecuniam*) a vast Summe of Money.

[6] Ibid. f.
121. n. 50.

In the year 1207. he took a thirteenth part of all the [6] moveables and other things as well of *Lays* as of *Ecclesiastics* and *Prelates*, all *Murmuring*, but none dared to contradict it.

[7] Ibid. f.
130. n. 10.

In the year 1210. he forced from the [7] *Abbats*, *Priors*, *Abbeses*, *Templars*, *Hospitalers*, &c. 100000 l. and from the White Monks or *Cisterians* 40000 l.

[8] Ibid. n. 50

In the year 1211. he had two Marks [8] *Scutage Service* of every Knights Fee, which furnished not out its Service to the Expedition of *Wales*.

[9] Cl. 16. Joh.
ann. m. 24. Dat.
apud Partenay
16. Mail.

In the year 1214. he [9] took of every Knights Fee of those that were not with him in *Poitou*, as well of *Bishopricks* in his hands, as of *Wards* and *Escheats* three Marks.

The

The Issue of King John.

Henry his [1] Eldest Son, afterwards King Henry the Third, was Born on St. Remigius his Day (That is the first of October) in the year 1207.

[1] Paris f.
225. n. 50.

Richard his Second Son, afterwards King of the Romans and *Almain*, Earl of *Poitiers* and *Cornwall*, was [2] born in the year 1208.

[2] Ibid. f.
226. lln. 1.

His Daughters.

Joan the Eldest was Married to [3] Alexander King of *Scots*, as appears upon the Patent Roll, 5 Hen. 3. M. 6. Dors. Dated at York, June 28. 1221.

[3] Pat. 10.
Hen. 3. n. 1.
Dors.

Alienor his Second Daughter [3] Married to William Marshall the Younger, who Dyed without Issue A. D. 1231. and was married to Simon Montfort Earl of Leicester, on the [4] Morrow after Epiphany A. D. 1238.

[4] Paris f.
465. n. 40.

Isabell his third and youngest Daughter was Married to [5] Frederick the 2d, Emperor of Germany at the Age of One and twenty Years, on the Twenty Seventh of February, A. D. 1235.

[5] Ibid. f.
414. n. 30. 40.

His Natural, or Base Issue.

Richard [6] the Eldest.

[6] Ibid. f.
298. n. 40.

Geofrey [7] Fitz-Roy.

[7] Sand. Genealog. Hist. f. 86.

Osbert mentioned as King Johns [8] Son in Rot. Pat. 17 Johan. Part. 2. M. 16.

Olivar. mentioned as King Johns Son in Rot. Cl. 1 Hen. 3. part. 2. M. 23. and as King Henry's Brother in Rot. Cl. 2. Hen. 3. part. 1. M. 9.

Joan [8] Married to Llewellen the Great Prince of North-Wales.

[8] Sandf. ut supra f. 87.

X x x

THE

THE REIGN OF King Henry III.

[1] Paris fol.
289. n. 10.
A. D. 1126.
Henry the 3.
Declared King

His Coronati-
on.

[2] Ibid. n. 10.
His Oath.

He doth Ho-
mage to the
Pope.

And receives
the Homage
of all his Bi-
shops, Earls,
and Barons
present.

[3] Ibid. n. 10.
The Earl of
Pembroke Pro-
tector.

IN the Eve of Simon and Jude, [1] Eight days after the death of King John, in the presence of *Walo* the Popes Legate, Peter Bishop of Winchester, *Jocelin* Bishop of Bath, *Sylvester* Bishop of Worcester, *Ranulph* Earl of Chester, *William* Marshal Earl of Pembroke, *William* Earl of Ferrars, *John* Bareschal, and *Philip* de Albenei, with Abbats, Priors, and a very great multitude met at Gloucester to advance Henry the eldest Son of King John to the Crown of England. The day after, all necessities being in a readiness for his Coronation, The Legate accompanied with the afore-mentioned Bishops, and Earls, brought him in Solemn Procession, into the Conventual Church, Declaring him King. Being placed before the great Altar, in the presence of the Clergy and Laity (Coram Clero & Populo) laying his Hand upon the Holy Gospels and Reliques of many Saints, *Jocelin* of Bath dictating the Oath, He [2] Swear, That he would bear Honor, Peace, and Reverence to God, Holy Church, and all its Clerics, all days of his Life; That he would administer due Justice to the People; That he would abolish all bad Laws and ill Customs if any were in his Kingdom, and would observe, and cause to be observed all good ones. Then he did Homage to Holy Church of Rome, and to Pope Innocent, for the Kingdoms of England and Ireland; And Swear Faithfully to pay the Thousand Marks yearly to the See of Rome, which his Father King John had given: After this, Peter Bishop of Winchester, and *Jocelin* Bishop of Bath anointed and Crowned him King with the usual Solemnities. The day after he received the Homages and Fealties of all the Bishops, Earls and Barons, and all others who were present, all promising him most faithful Obedience.

After his [3] Coronation, he remained in the Protection of *William* Earl of Pembroke, Great Marshal, who forthwith sent Letters to all Sheriffs, and Castellans of the Kingdom of England, Commanding Obedience to the new Crowned King, and promised many Gifts and Possessions to all such as should faithfully adhere to him; upon this, all those Noblemen and Castellans, who had continued firm to his

his Father, stood the more close and faithful to him, and every one prepared to fortify his Castles, as well as he could; and they were the more encouraged, when they saw that *Lewis* his Accomplises and Favourers were Excommunicated every Sunday and Holy-day.

Lewis and his Adherents Excommunicated.

All endeavours were used by the Protector, the Bishop of Winchester, and others, to reduce the Barons to their Allegiance and Obedience to their Natural Prince, who then wanted One Month of the age of Ten years. In whose Name they wrote to * *Hugh de Lacy*, and gave him a safe Conduct to return to his Fealty and Service, and that he might come to speak with the King, and return safely, and promised him the Restitution and enjoyment of all his Rights and Liberties, if he complied with that invitation, which bears the Earls Tests, and is Dated November 18, the First of his Reign.

* Append.
N. 143.

When *Lewis* and the Barons who besieged Dover Castle, heard certainly that King John was dead, [4] They were possessed with a fallacious Joy, that the Kingdom of England would soon be subdued; Therefore *Lewis* summons *Hubert de Burgo*, Constable of the Castle, to surrender it, Telling him King John was dead, and that he could not defend it against him; and therefore if he would deliver the Castle, and Swear Fealty to him, He would not only reward him with Honors, but also make him one of his Counsellors. To whom *Hubert* gave this Answer, That altho his Master was dead, yet he had Sons and Daughters who ought to succeed him; but would not hear of surrendering the Castle, till he had consulted his Knights, who unanimously resolve in the Negative, left by a shameful Surrender. [5] They should be branded for Traytors; when this Resolution was made known to *Lewis*, he raised the Siege, and marched towards London.

[4] Ibid. n. 50.
Lewis and the Barons summons Dover Castle.

Hubert de Burghs Refolute Answer.

[5] Ibid. fol.
290. n. 10.

On the 12th of November following [6] He came before *Berthamsted*, and besieged it, which at first was well defended by *Walter de Godardsbill*, and many French were slain, but at last was yielded unto *Lewis*, upon Condition they might be secured of their Goods, their Horses and Arms. Robert the Son of this *Walter* claimed the custody of this Town, as belonging unto him by Ancient Right; To whom the French Men replied, That such English were never to be trusted, who had been Traytors to their own Master; However, *Lewis* promised him, that when he had wholly subdued the Kingdom, every one should have their Rights restored. From hence he proceeded to *Berthamsted* Castle [7], and after some small skirmishes and a few Sallies made by the besieged, he took it. After this he ravaged the Countrey, and spoiled the Inhabitants, until he came to *St. Albans*, and required the Abbat to do him Homage, which he refused, unless released from his Homage to the King of [8] England. *Lewis* enraged at this Answer, Swore He would burn both the Abby and Town, unless he did what he required. Whereupon the Abbat (by the Mediation of *Saber* Earl of *Winton*) made a composition with him for himself and the Town, till the *Cardlemiss* following, and gave him Fourscore Marks of Silver to spare the Abby and Town until *Canalemass*, and then he returned to London.

[6] Ibid.
Lewis takes *Berthamsted*.

[7] Ibid. n. 50.
and *Berthamsted*.
Spells the Countrey.
[8] Ibid. n. 50.

Returns to London.

[9] Ibid. fol. 291. n. 10.
A. D. 1217.
The King and
Proctors at
Bristol.

The English,
doubtful whe-
ther they
should adhere
to King Hen-
ry or Lewis.

Mount Sorrel
Castle Plun-
dered & de-
feated.

[1] Ibid. n. 50.
A Truce be-
tween King
Henry and
Lewis.

He passeth
over Sea.

Many of the
English Ba-
rons return
to their Al-
ligiance.

[1] Ibid. fol. 293. n. 40.
William Mar-
shal and Ra-
nulphe Earl of
Chester, &c.,
besiege Mount
Sorrel Castle.

Saber, Earl of
Winton con-
sults with
Lewis how to
raise the Siege

[3] Ibid. n. 50.

In the year 1217, the young King Henry [9] kept his Christmas at Bristol, with Walter the Legate, and William Marshal, the Protector or Governor of the King and Kingdom; At this time there was a fluctuation in the Nobility, whether they should submit to young Henry or Lewis. The French they hated and despised, and the more because Lewis contrary to his Oath, had entred upon their Lands, Possessions, and Castles, and placed Soldiers and Strangers in them. And at the same time were ashamed to return to the King, whom they had deserted; being thus perplexed, they could not tell which way to steer their course.

On the Twentieth of January several Knights and Squires, or other Horsemen, went out of Mount-Sorrel Castle, to plunder the Countrey: The Garrison in Worthingham Castle had notice of it, and sent out a party that ingaged them, killed Three of their number, and took Ten Knights, and Twenty four Esquires ('Servientes') prisoners.

About this time Lewis [1] had notice from his Envoys at Rome, that unless He departed out of England, the Sentence of Excommunication pronounced against him by Walter the Popes Legate would be confirmed by the Pope: Whereupon a Truce was made between King Henry and Lewis, until a Month after Easter; and that all things were to remain in the same State they were in that day. The Truce was made until the term was expired. In Lent Lewis passes over Sea, by which he lost the affection of the English Barons; And thereupon William Earl of Salisbury, William Earl of Arundel, William Earl of Warren, and William Son of the Great Marshal returned to their Allegiance, and afterwards firmly adhered to young King Henry, which very much weakened Lewis his party.

After [2] the Solemnity of Easter was past, at the instigation of William Marshal, Ranulph Earl of Chester, William Earl of Albemarle, William Earl of Ferrars, Robert de Cleri Pont, Brian de Insula, W. de Cantelupo, Philip Marc, Robert de Gaug, Falcaus with his Castellans, and many other Garrison Soldiers met to besiege the Castle of Mount Sorrel, wherein Henry de Bial, was Governor, and with him were Ten stout Knights, and many other Soldiers; There were many vigorous Assaults made, and as briskly received and returned. But the Besieged being close pressed, sent to Saber Earl of Winton, the Lord or Proprietor of the Castle, who was then at London, for relief; He applies himself to Lewis, (who was lately return'd from beyond Sea to London) that he would send Assistance, and raise the Siege, and they agreed to send such Force as might not only Relieve the Castle, but also subdue the Countrey; There went out of London [3] Six hundred Knights, and above 20000 Armed Men ('Qui omnes aspirabant in aliena') who all gaped after Plunder; the chief of them were the Earl of Perth, Marshal of France, Saber Earl of Winton, and Robert Fitz-Walter, and many others who were judged very fit for that Expedition. They set forth the last of April, and marched towards St. Albans, Burning and Robbing Towns and Churches, spoiling all forts of Men, and cruelly tormented them, that they might force

force from them excessive Ransoms; Neither did they spare [4] the Abby of St. Albans, notwithstanding a little before the Abbat satisfied Lewis. They marched from thence to Dunstable, where they took away the Monks Cloaths, and with their polluted Hands [5] snatched away the Holy Reliques from the Altar. After many Spoils, and much Rapine, they went directly to the [6] Castle of Mount-Sorrel, and raised the Siege without any opposition. From hence they marched to Lincoln, and set down before the Castle, which Gilbert de Sant had a long time in vain Besieged, and made many Assaults, but were vigorously repulsed.

Upon this [7] William Marshal, Walter the Legate, and Peter Bishop of Winchester, and others, who then managed the Affairs of the Kingdom, Summoned all the Kings Castellans, and Knights, and those that were in Garrisons in diverse parts, to meet at Newark on Whitsun-Tuesday, to go along with them to raise the Siege of Lincoln Castle. They all shewed a great readines to fight with the Excommunicated French, and very joyfully men at the place and day appointed. With them went the Legate, and many other Prelates, to pursue with Prayers and Arms all such as were disobedient to the King, and Rebels to the Pope. When they were all come together, they were 400 Knights, 250 (Balistarii) Cross-Bow-men, and such [8] Esquires and Horsemen without number; That if necessary required, they would supply the place of Knights. The chief were William Marshal, and William his Son, Peter Bishop of Winchester, well skilled in Martial Affairs, Ranulph Earl of Chester, William Earl of Salisbury, William Earl of Ferrars, William Earl of Albemarle; And the Barons were William de Albini, John Marshal, William de Cantelupo, and William his Son, Falcaus, Thomas Basset, Robert de Cleri-Pont, Brian de Insula, George de Lucie, Philip de Albiney, with many Castellans well exercised in Military Discipline; They stayed three days at Newark for the refreshment of their Men and Horses, where they were Confessed, and fortified themselves, by the Perception of the Lords Body, and Blood ('Corporis & sanguinis Dominici perceptione sese muniebant') against the Assaults of their Enemies.

On Friday in Whitsun-week after their Confession, and receiving the Sacrament, The Legate [9] shewed how unjust that cause was, which Lewis and the Barons his Adherents had undertaken to defend, for which they had been Excommunicated, and separated from the Unity of the Church; And then by name Excommunicated Lewis, and all his Accomplices and Favourers, and especially all those that Besieged Lincoln; But to those who had undertaken this Expedition, he gave a full Pardon, and the promise of Eternal Salvation. This so animated the Army, that they triumphantly marched towards Lincoln, fearing nothing but the Enemies flight before they came thither; When the [11] Barons and French which were in the City, heard of their approach, they received the news with Sorrow and Laughter, thinking themselves to be secure. However Robert Fitz-Walter, and Saber Earl of Winton went out of the City to observe the motions and number of the Kings Forces; when they returned, they reported their March to be very orderly, but that they exceeded them in number. This Account gave no satisfaction to the Earl of Perth, and

[1] Ibid. fol. 291. n. 10.

[7] Ibid. n. 20.

[6] Ibid. n. 40. 50.

Mount-Sorrel Castle relieved. Lewis his Army besieged Lincoln Castle.

[7] Ibid. n. 50. William Marshal, &c. raise an Army for the relief of Lincoln Castle.

[8] Ibid. fol. 291. n. 20.

The chief persons in that Army.

They stayed three days at Newark.

[9] Ibid. n. 40.

The Legate encouraged the Kings Army.

[11] Ibid. n. 50. 40.

They march in great order towards Lincoln.

[3] Ibid. n. 50.

The Advice
and Counsel
of the French
Officers vari-
ous.

and the **Barons**: [2] Wherefore they went out to take a *View of the Kings Army*, which marched in such order, that they were *mistaken in their Observations*, and returned both *deceived and uncertain*, the *advices upon this were various*, at last it was agreed the *Gates should be Locked up*, and *Watches set to keep out their Enemies*, and every one to make *ready for a defence*, and in the mean time to *Batter and Assault the Castle*, which they thought could not long hold out.

[3] Ibid.

f. 296. n. 10.
The Kings Ar-
my Assaults
the City of
Lyncoln.
The Barons
and French
are beaten.

When the Kings [3] Army was come before that part of the City where the Castle stands, the *Castellans* by a private Messenger gave them notice of every thing that was done within, and moreover told them, that if they would, they might enter at the *Postern gate* of the Castle, which was left open for them. *Falsarius* accepts the offer, and enters with all such as he commanded, and the *Cross-Bowmen*, (whilst the rest of the Army made an assault upon the Northern gate) And having from the Castle wounded and unhorsed some of the most forward and valiant Barons; He suddenly issued out, and very narrowly escaped being taken, put them all into Confusion, which gave an opportunity to the whole Army to enter. A very great number yielded to the Conquerors mercy; But the Earl of *Perch* [4] refusing to yield to any Englishman that had been a Traytor to his own King, was slain. Of the Chiefest Barons were taken, *Saber Earl of Wilton*, *Henry de Boun Earl of Hereford*, *Gilbert de Gant* whom *Lewis* had lately made *Earl of Lincoln*, *Robert Fitz-Walter*, *Richard Bunsfelder*, *William Gumbzap*, *William Beauchamp*, *William Pandur*, *Oliver Barcourt*, *Roger Cressy*, *William Colebill*, *William de Ros*, *Robert Kopelle*, *Ranulph Chenduit*, and about 400 Knights, besides Esquires, Ordinary Horsemen and foot. This Victory was obtained on the 19th of May, being Saturday in *Whitsun-Week*.

[5] Ibid. fol.

297. n. 10, 20.
The City and
Cathedral
Plundered.

The spoyl of the [5] City and Cathedral was given to the Soldiers; for the *Legat* had commanded they should treat all *Canonical persons* as *Excommunicated*: When they had made an end of Plundering, *William Baronsball* commanded all his *Castellans* to return home with their *Prisoners*, and keep them under a strict guard till they knew the Kings pleasure.

[6] Ibid. f.

297. n. 50.
Lewis sends to
his Father and
Wife for more
Forces,
he afraid to
anger the
Pope, leaves
all to his wife.

Lewis [6] hearing of this great overthrow, forthwith sent Messengers to his Father the King of France, and to his Wife the Lady *Blanch* to send some speedy Succours: The King fearing he should anger the Pope if he should assist his Son who was *Excommunicated*, left it wholly to *Lewis* his Wife [7] who speedily sent 300 stout Knights with a great many Armed men under the Conduct of *Eustachius a Monk*. After they were Shipped, a brisk wind drove them toward the Coast of England, but by the way several of the Kings Ships under the Command of *Philip de Albiney* met with them, between whom was a bloody Sea fight. [8] At length the French seeing no hopes of Success or Escape, some desperately leaped into Sea, and the rest yielded themselves Prisoners. When the News of this defeat came to *Lewis*, it more grieved him than the overthrow at *Lincoln*. * *Eustachius* the Monk offered a great sum of Money for his Life; but *Richard* the Bastard Son of King *John* calling him wicked

[7] Ibid.

fol. 298. n. 10.
She sends 300
Knights with
other Forces.
They were
met and Beaten
at Sea.

[8] Ibid. n. 30.

And most taken
Prisoners.
[9] Ibid. n. 40.
Eustachius the
Monks Head
cut off.

wicked Traytor, Told him he should never deceive any man further with false promises, and so cut off his head.

After this [9] the *Baronsball* encompassed London with a great Army and Besieged it both by Land and Water; *Lewis* finding himself reduced to great straits, signified to the *Legat*, and *Baronsball*, that he would submit to their advice, and consent to any thing [1] consistent with his own Honor, and without Scandal to his Friends.

They being very willing to be rid of him, send him a [2] Form of Peace, to which if he would Consent, he should have free passage and conduct out of England; if not, they would endeavour the destruction of him and his Accomplices. *Lewis* and his Councillors accepted the offer, and sent to the *Baronsball* and *Legat* to fix upon a place and day, that a speedy Peace might be concluded. They appoint a place near *Stanes* by the River *Thames*, where King *Henry*, the *Legat*, and the *Baronsball*, with many others on the one side; And *Lewis* with the Barons on the other side met, and agreed upon this Form of Peace on the Eleventh of September.

Lewis [3] Swore that he and all with him that were *Excommunicated*, would stand to the Judgment of Holy Church, and for the future, would be faithful to the Pope, and Church of Rome. That he would forthwith depart the Kingdom of England, and never more return again with any ill design during his Life. And that he would endeavor what he could to induce King *Philip* his Father, to restore to King *Henry* all his rights beyond the Seas, and that when he should come to be King, he would quietly restore them. And that he should immediately deliver to the King all those Castles, with their Lands, he had possessed himself of in England during this War. King *Henry* with the *Legat* and *Baronsball* Swore they would restore to the Barons of England, and to all others of the Kingdom, All their Rights and Inheritance, together with the Liberties they before desired, for which there arose so great discord between King *John* and the Barons; neither should it be any Damage or Reproach to any that had adhered to the one or to the other side. That all Prisoners who had redeemed themselves before this Peace was made, and had paid part of the money for their redemption, what was paid should not be returned, and what remained should be remitted. That all Prisoners either taken at *Lincoln*, or at Sea, whether of the Kings or *Lewis* his side, should without any difficulty or price of redemption be set free. After this *Lewis* and all his Followers were absolved, and returned to London, where having borrowed 5000 l. Sterling of the Citizens, he was by the great *Baronsball* conducted to the Sea, and so passed over into France.

When the *Legat* [4] absolved *Lewis* and his followers, he excepted all such Bishops, Abbots, Priors, Secular Canons, and Clerics who assisted or favoured *Lewis* and the Barons, particularly *Simon de Langton* and *Gerhald de Pobjugge*, who caused Holy Mysteries to be performed by such as were *excommunicated*. They were first deprived of all their Benefices, and then forced to go to Rome. Soon after *Lewis* his departure, The *Legat* sent Inquisitors all over England, and whomsoever they found the least engaged or inclined to *Lewis*, and the Barons of what order and Dignity soever they were, They first

[9] Ibid. n. 50.
William Earl
Marthal Be-
sieged London
[1] Ibid. f.
299. n. 10.
Lewis offereth
a Treaty.

[2] f. 299. n.
10.
The *Legat*
and *William*
Marthal send
him a Form
of Peace,
he accepts it.
King *Henry*
and *Lewis*
meet at *Stanes*
A. D. 1217.

[3] Ibid. n. 20.
30. 40.
The Form of
Peace.

Lewis Bor-
rowed 5000 l.
of the Citi-
zens of Lon-
don and pas-
sed into
France.

[4] Ibid. n.
40. 50.
The Bishops,
Abbats, &c.
that assisted
Lewis except-
ed from abso-
lution.
The *Legat* sent
out Inquisi-
tions to find
out all Clerics
that were in-
clined to *Lewis*,
and depriv-
ed them of
their Benefices

The Bishop of Lincoln paid 1100 Marks for his Bishoprick.

* Ibid. fol. 297. n. 40. A. D. 1218.

[7] Ibid. fol. 300. n. 20, 30. Several of the Barons were loath to part with the Lands they had gotten in the late Wars

Robert de Gargi refused to deliver the Castle and Town of Newark to the Bishop of Lincoln. The King besieged it, and is yielded upon Terms.

* Append. N. 144. Clerics that adhered to Lewis, Banished.

* Append. N. 145. The Charter of Liberties to be observed.

* Cl. 2. Hen. 3. M. 4. The Prince of North Wales, receives in Custody the Kings Castles, &c.

first suspended them, and then sent them to him; who deprived them of all their Benefices, and bestowed them on his own Clerics. Hugh Bishop of Lincoln paid to the Pope's use 1000 Marks, and 100 to the Legat for his Bishoprick, whose Example many of the Bishops and Religious followed.

This year on the sixteenth of July dyed * Pope Innocent the Third. To whom succeeded Honorius the Third.

King Henry [5] kept his Christmas at Northampton, and Saladin supplied him with all necessities for the Festival. In those days several of the Nobility and others, The chief of which were, William Earl of Albemarle, Falscius with his Castellans, Robert de Wipont, Brian de Lisle, Hugo de Maillet, Philip Barr, and Robert de Gaugi, having in time of War accustomed themselves to Rapine, could not forbear exercising the same in time of Peace, but forcibly held the Castles with the Lands and Possessions belonging to them, of some Bishops and great men contrary to the Kings Will and Command; but especially Robert de Gaugi (though Admonished several times by the King) refused to yield up the Castle and Town of Newark to Hugh Bishop of Lincoln. Whereupon the Great Marshal at the Kings Command, raised an Army and Besieged the Castle; after eight days Siege, Robert de Gaugi capitulated with the Bishop to deliver the Castle to him upon payment of an Hundred pounds Sterling for the Victuals that was in it; the Bishop with the Kings consent did accept the Terms, so the Siege was raised, and every one went to their own home.

This Year on the 18th of February, the Protector * wrote in the Kings Name to the Sheriffs to make Proclamations in their Counties, That all Clerics that had adhered to Lewis, and were therefore Excommunicated, and not absolved, should be Banished; and if they departed not the Nation before Mid-Lent, they were to be imprisoned. And such as were Absolved, if they remained Friends to Lewis, &c. they were however to be Imprisoned.

He wrote on the 22d of the same Month also to the * Sheriffs of the several Counties, for the better satisfying the minds of men, That they should look after the observation of the Charter of Liberties, and the Forest, and see all Castles built in the time of War demolished.

On the 16th of March in the same year, Llewellyn Prince of North Wales * Received in Custody from Gualo the Pope's Legat, the Kings Castles of Raermarden and Raerdigan with their Lands and all appurtenances in the presence of Peter Bishop of Winchester, William Marshal Earl of Pembroke, and many other Bishops, Earls and Barons there named, and others not named, to hold and keep them for the King until he came at Age, and then they were freely to be delivered to him. He was to hold the Kings Courts in these Castles and Lands as the Kings Baylis, Deputy or Officer (ut Ballibus Domini Regis) and do right to the English according to the English Law, and to the Welsh according to their Law: And for the performance of these things, he gave Pleges or Hostages, Walgo the Son of Rele, and

and Rele the Son of Giffin, Dador the Son of Giffin, and Bereduc the Son of Ren.

This year also it was Ordained * by the Council of the Kingdom, that no Chart, or Letters Patents containing the Confirmation, Alienation, Sale or Donation of any thing in perpetuity, should be Sealed with the Kings Great Seal, until he were of full Age; and if any such Charters or Letters Patents were made and Sealed, they were notwithstanding to be void. This Ordinance is Witnessed by Gualo the Pope's Legat, the Arch-Bishops of Canturbury and York, the Earl of Pembroke Protector, and Hubert de Burgh Justiciary, thirteen other Bishops, nine great Abbats, eight other Earls, and fifteen Barons, but not one ordinary person.

In the year 1219. the King kept his Christmas [6] at Winchester: At that time William Marshal the Elder Dyed, after whose Death, Peter Bishop of Winton was made the Kings Protector or Guardian.

King [7] Henry was at Christmas at Martlesbergh, being still under the Protection of Peter Bishop of Winchester. At Whitsuntide following, being the 17th of May, and the fifth year of his Reign, he was Crowned again at Westminster by Stephen Arch-Bishop of Canturbury, in the presence of the Clergy and Laity of the whole Kingdom, (presentibus Clero & Populo totius Regni.)

King [8] Henry at Christmas kept his Court at Oxford with the Earls and Barons of the Kingdom. At this time William Foret without the Kings knowledge left the Court, and went to the Castle of Biham, where after some few days, having gathered together some Armed men, he came in a Hostile manner to the Town of Tenham and plundered it; and caused the Grain of the Canons of Bridlington to be carried into the Castle of Biham; he likewise plundered the Town of Deeping with many other Towns, and by grievous Torments forced the Inhabitants to redeem themselves. It was said that Falscius, Philip Barr, Peter de Palo Leone, and Engelard de Achie, were the chief Abettors of this Faction; who privately sent him Armed men to disturb the Peace of the Kingdom. In the mean time the Great Men of England (Magnates Anglie) met the King at Westminster to treat of the Affairs of the Kingdom (ut Tractarent de negotiis Regni) The Earl of Albemarle was Summoned, and pretending to come, went privately to the Castle of Fotheringey and took it, and having Fortified it with Armed men, he betook himself to Biham Castle: When the King and Council heard of this, a great Army was raised, and sent to Besiege the Castle of Biham; After some short time the Besieged seeing no hopes of relief or escape, submitted themselves to the Kings mercy on the 8th of February, who commanded they should be kept Prisoners till further order. The Earl of Albemarle was introduced to the King by the Arch-Bishop of York, and at the intercession of Pandulf the Legat, the King was reconciled to him, because he had faithfully served both the King his Father and him. All the Knights and other Horsemen or Servants (Milites omnes & Servientes) were set at liberty without punishment or redemption, which gave encouragement to others to rebel, and to expect the same favour in the like Case.

Yyy

Gualo

* Append. N. 146. No Chart or Letters Patents to be sealed with the Great Seal before the King was at full Age.

[6] Ibidem f. 304. n. 10. William Earl Marshal Dyed, Peter Bishop of Winchester Protector. A. D. 1220. [7] Ibid. f. 309. n. 42. King Henry's Second Coronation.

A. D. 1211. [8] f. 310. n. 30. 40. 50. William Foret Seizeth the Castle of Biham in Lincolnshire.

And plunders the Country.

The Earl of Albemarle seized Fotheringey Castle.

Biham Castle taken. The Earl of Albemarle pardoned.

* Ibid. l. 57. Too much Liberty gives encouragement to Rebels.

* Mar. We Rm.
f. 179. lin. 6.

Gualo left England and * returned to Rome in August or September in the year 1218. the 3d of King Henry; and Pandulph Eldest of Norwich succeeded him as Legate, and came to St. Pauls in London on the Monday after the Feast of St. Andrew next following.

[9] Ibid. fol.
313. n. 10.
Llewellyn King
of Wales Be-
sieged Buca
Caille,

The same year about the 8th of September, [9] Llewellyn King of Wales with a great Army Besieged the Castle of Buca, which belonged to Reginald de Braosla, who sent to the King and importunately craved his assistance: The King having raised an Army marched thither, But the Welch raised the Siege and fled at his approach: Then he marched toward Montgomery, where after he had plundered the Welch, and got forage for his Army, he * built Montgomery Castle to hinder their incursions; for this Expedition the Great Men granted him a *Scutage* of two Marks of Silver of every Knights Fee (*Concedentibus Magnatibus de quolibet Scuto duas Marcas Argentii.*) This year the [1] Marriage between Alexander King of Scots, and Johanna the Kings Eldest Sister was Solemnized at York the day after the Feast of St. John Baptist; At the same time and place Hubert de Burgh Married the King of Scots Sister. The two Kings met there to treat of this * Marriage, and a stricter Alliance then was before between them, on the Monday Sevenight after Trinity Sunday, and the Joynture made to this Joan Queen of Scots, which was in Lands, to the value of One Thousand Pounds by the Year, bears * Date at York on the 18th of June M. CC. XXI.

* Or rather
Repaired it.

[1] Ibid. f.
313. n. 10.
The King of
Scots married
Joan King
Henrys Sister.
* Claus. Hen.
3. part. 1. m.
11. Dorf.
Her Joynture
1000 l. per
Annum.
* Pat. 5. Hen.
3. M. 6. Dorf.

In the Year 1222. the King [2] kept his Christmas at Winchester, Peter the Bishop of that City provided all necessities for him.

A. D. 1222.
[2] Ibid. n. 10.

[3] Ibid. 315.
n. 10, 30,
40.
A great Ryot
in London.

This year a great Ryot [3] happened in the City of London, upon the following Occasion, A great Wrestling was appointed between the Citizens and the Countrey people near adjoining, on St. James's day, wherein the Citizens were Conquerors; which was much stomached by the Steward of the Abbat of Westminster, he therefore appoints an other meeting at Westminster, on the 1st of August, to which the Citizens flocked in great Numbers; but found they had weapons, as well as men to contend withal, for the Steward and his Assistants being Armed, came upon them unawares, wounded many, and put the rest to flight.

The Citizens returned into the City meditating revenge, and met in great Numbers. Serlo the Major hearing of their tumultuous proceedings, came to them, and advised them to make their complaint of the injury they had received to the Abbat of Westminster, and if he would punish the Offenders to take that for sufficient satisfaction; But Constantine a man very popular among them, opposed this method, telling them, the Abbat and Steward deserved to have their houses pulled down and levelled with the ground. This Counsel was approved of, and executed by the rabble to the great prejudice of the Abbat. When Hubert de Burgh the Justiciary had notice of these Ryotous proceedings, he came to the City with some Troops of Soldiers, and Commanded the Principal Citizens should with speed come to him, of whom he inquired who were the

Constantine a
popular Citizen
the chief
Author of that
Riot.

Authors

Authors of this Sedition and Subverters of the Kings City, and who they were that thus dare presume to break the Kings Peace, Constantine answered, They had done less then they ought to have done, and would stand to what they had done: Adding, The King had violated his Oath; whereupon Lewis justly refused to perform what was covenanted between them. When the Justiciary heard this Confession, he dismissed all but Constantine, and his Nephew, and one Geoffrey that proclaimed Constantine's Edict, whom he ordered to be hanged next day Morning. When the Rope was about Constantine's Neck, he offered 15000 Marks of Silver for Pardon, but to no purpose. When the Sentence had been pronounced without noise or the knowledge of the Citizens, Falcaus with a Guard carried him by Water upon the Thames to the place of Execution.

His Answer
to the Justiciary.

He is Hanged
with two
others.

After this, * the Justiciary and Falcaus (i. e. Fawkes de Breant) with a considerable Guard, went into the City; and whosoever he found Guilty of the Sedition he imprisoned, and caused either their Feet or Hands to be cut off, and then let them at Liberty; many fled for fear and never returned; and for a greater punishment to the City, the King turned out all the City Magistrates, and appointed new Prefects, Governors, or Officers in their place. (*Rex in majorem vindictam omnes Urbis Magistratus deponens, novos in Civitate constituit Prefectos.*)

* Ibid. n. 50.

The King pu-
nished the
City of London
for the Riot,
And turns out
the Officers.

Not long after, the King * named Thirty persons to be Security, and Hostages for the Good Behaviour, preserving the Peace, and faithful Service of the City of London; The University or Community whereof, bound themselves to the King by a Chart, Sealed with their Common Seal, to deliver them or more, to the King or Justiciary, whenever they were called for, and if any of them dyed, to add others.

* Append. n.
147.
Thirty Ho-
stages given
for the secu-
rity of the
City of Lon-
don.

On the 29th of January following, the King * Let out to Farm to William Jonner Citizen of London, the Office of Chamberlan of London, with all things belonging to it, for two years, at One hundred pounds a year, to be paid into the Exchequer, Reserving to himself the Prizes or Customs of Grey Wooll, (that is Grey Cloth) of Wax, and Silk Cloaths, to be delivered to the King for his own use, by the Hand of the Farmer.

* Append. n.
148.
The King Lets
the Office of
Chamberlan
of London at
100 l. per An-
num.

In the year 1223. the King kept his [5] Christmas at Oxford, and on the 13th of January met his Barons at London in a Parliament or Conference (*apud Londoniensis veniens cum Baronibus ad Colloquium*) where the Archbishop of Canturbury, and other Great Men (*Et alii Magnates*) Requested, that the King would confirm the Liberties and free Customs (*Libertates & libera Consuetudines*) for which a War was made with his Father; urging moreover, that when Lewis departed from England, both he and all the Nobility of the Kingdom had sworn to observe, and cause to be observed those Liberties, and therefore could not refuse to do it; William Bywere one of the Kings Counsellors replied, That the Liberties they desired, were violently Extorted, and therefore ought not to be observed; The Archbishop in a Passion reproved him, and said, if he loved the King he would not hinder the Peace of the Kingdom. The King [6]

A. D. 1223.
[5] Ibid. f.
316. n. 50.
The Archbi-
shop and
great Men de-
sire a confir-
mation of
their Liber-
ties.

[6] Ibid. f.
317. l. 3.

The King prom-
iseth to
preserve their
Liberties.

And causeth
Inquisition to
be made what
they were.

* Append. n.
149.

The Writ of
Inquiry di-
rected to
Twelve
Knights, &c.

[7] fol. 317.
n. 10.
Lewelin King
of Wales takes
two of the
Marchals Cas-
tles.
The Marshal
retakes them,
And kills
9000 Welch.

* Pat. 7. Hen
3. M. 2. dorf.
Lewelin binds
himself to
give King
Henry satis-
faction for
the damages
done him.

[8] Ibid. n. 30.
Philip King of
France dies.

King Henry
demands the
restitution of
Normandy
from King
Lewis.

Who refuseth
to restore
them,
And taxeth
him with vio-
lation of his
Oath.

seeing the *Archbishop* moved, assured them, that he had bound him-
self by Oath to preserve their Liberties, and what was Sworn should
be observed: And having called a Council, he forthwith sent his
Letters to all the Sheriffs of the Kingdom to make inquiry by the Oath
of Twelve Knights or Legal Men in every County, what were the
Liberties in England in the time of King Henry his Grandfather, and
to make a return of them to London, Fifteen days after Easter.

The Contents of the * Writ it self, do in many things differ from
this report of *Mat. Paris*, by which the Sheriffs were commanded to
make diligent inquiry by the Oaths of Twelve of the most legal and
discreet Knights of their Counties in a full County Court, what Cu-
stoms and Liberties King John his Father had, the day in which the
War began between him and his Barons concerning Lands and other
things, within Burghs and without, and cause them to be proclaim-
ed and observed in their Counties, and to cause the Inquisition and
Writ to be returned to the King at Westminster on the Morrow of
the close of Easter.

This year while William Marechal [7] Earl of Pembroke was
busied in Ireland, Leolin King of the Welch, took two of his Castles,
and put all to the Sword that he found in them, and placed Welch-
men in their room; The Marechal having notice of what was done,
returned with great speed into England, and forthwith Besieged these
Castles, and retook them, and cut off the Heads of all the Welch-men,
and then marched into Leolin's Countrey, and wasted all before him
with Fire and Sword: Having totally defeated the Welch, He took and
slew about 9000, few escaping by flight.

After this the same Lewelin, Prince of North-Wales, acknowledge-
d by his * Chart, Sealed with his Seal, and witnessed by many Bi-
shops, Earls, and Barons, That he had Sworn to give satisfaction to his
Lord Henry King of England, and his People, within a reasonable
time to be prefixed by the Archbishop of Canterbury, for the Damage
done them by him and his People, from the day of the taking of the
Castle of Ryndersly, unto the day of his Absolution, that is to say,
Saturday the 7th of October, in the 7th year of King Henry's Reign;
and for the performance hereof were bound with him Beredut the
Son of Robert, and many others.

This year about the First of August dyed [8] Philip King of
France; when King Henry had notice of it, he sent the Archbishop
of Canterbury, with three other Bishops to King Lewis, to demand
the restitution of Normandy, with all other his Transmarine Domi-
nions, according to his Oath when he left England; King Lewis
answered, that he was justly possessed of Normandy and other Do-
minions, and was ready to make it appear in his own Court, if the
King of England would come thither (Et ibidem juri parere) and
stand to the Law; Adding that the King of England had violated his
Oath, in putting those of his party he had taken at Lincoln to a
grievous Ransome; And also that those Liberties for which the
War was begun, that were Granted and Sworn to at his departure,
were not observed; when the Archbishop and the other Bishops could
obtain

obtain no other Answer, they returned into England, and gave the
King an Account of it.

This year the Great Men of [9] England (*Magistrates Angliæ*)
complained and murmured against Hubert de Burgh the Justiciary,
alleging that he exasperated the King against them, and that he did
not duely administer Justice. But that which more especially pro-
voked them was, That those Messengers he had sent to Rome were
returned with a Bull from the Pope, directed to the Archbishops of
England, and their Suffragans, declaring the King to be of full Age,
and that all the Affairs of the Kingdom should be managed by him
and his Council. The words of the Bull were as followeth, *Quatenus*
Autoritate Apostolica denunciarent, Comitibus, Baronibus, Militi-
bus, & aliis Universis, qui custodias habebant Castellorum, Honorum, &
Uilliarum Que ad Regis Dominium spectabant, ut continuo visis Literis
Regi illas redderent, contraditores autem per censuram Ecclesiasticam
ad satisfactionem compellerent. That by Apostolic Authority they
should declare to the Earls, Barons, Knights, and all others who had
the Custody of the King's Castles, Honors, and Towns; That upon
sight of these Letters they render them to the King: And whoever
refused, they should compel by Ecclesiastical Censure. Notwith-
standing the greatest part of the [1] Earls and Barons (although
admonished by the Bishops) did not render up their several Trusts,
but rather conspired together to put themselves in Arms, to disturb
the Peace of the Nation, then give the King satisfaction in the pre-
misses.

In the year 1224. the King [2] kept his Christmas at Northampton,
together with the Archbishop of Canterbury and his Suffragans, and
a great number of Military Men; But the Earl of Chester with
his Conspirators, kept that Feast at Leicester, swelling against, and
threatening both the King and the Justiciary, because he was requi-
red to deliver up to the King the Castles and Lands he had in his Cu-
stody. The next day the Archbishop with his Suffragans Excommu-
nicated all disturbers of the King and Kingdom, and Invaders of the
Church, or its Rights, and gave notice to the Earl of Chester and his
Complices, that unless the next day they resigned into the Kings
hands all the Castles and Honors that belonged to the Crown, they
should be all excommunicated by name, as the Pope had commanded.
The Earl and those that were with him, fearing the Kings power, and
dreading the Church Censures, came to Northampton, and submitted,
and rendered the Castles and Honors that were in their custody into the
King's hands; However, their indignation was not appeased, because
the Justiciary was not removed. The Authors [3] of this disturbance
were the Earl of Chester, the Earl of Albemarle, John Constable of
Chester, Falcatus with his Castellans, Robert de Vipont, Brian de
Lisle, Peter de Walo-Leone, Philip Wart, Angelard de Arbie,
William de Cantelupo, and William his Son, and many others,
which did very much endeavor to disturb the Peace of the King-
dom.

This year Lewis [4] King of France gathered together a great
Army, and went to Rochel, and offered them a great Summ of
Money to Surrender the Town and Swear Allegiance to him. The Ro-
chellers

[9] fol. 318.
n. 20.
The Great
Men com-
plain of Hu-
bert de Burgh.

The Pope de-
clares the
King of full
age.

[1] Ibid. n. 30.
The Earls and
Barons refuse
to deliver up
the King's
Castles, &c.

A. D. 1224.

[2] The Earl
of Chester
threatens the
King and Ju-
sticiary.
The Archbi-
shop threat-
ens to Ex-
communicate
him.

He yields up
all the King's
Castles and
Lands.

[3] fol. 320.
n. 10.
The chief di-
sturbers of the
Peace.

[4] Ibid.
The King of
France ap-
pears before
Rochel.

See Hubert de Burgh answer in Appendix. He buys the Town.

[5] Ibid. n. 30. A Parliament at Northampton, to consider of the Kings Dominions beyond Sea. Their intentions frustrated by the rebellious Practices of Falcaſius de Breſet, A.D. 1224.

who Imprisoned one of the Kings Justices in Bedford Castle.

[6] Ibid. n. 40

[7] Ibid. n. 50. The King Summons Bedford Castle

The Answer to the Summons. The Arch-Bishop Excommunicates Falcaſius and the Garrison. The Castle taken by Assault.

[8] f. 321.

n. 30. Twenty Four of the Garrison Hanged.

[9] Ibid. n. 40. Falcaſius ſubmits to the Kings Mercy. He is committed to the Custody of the Bishop of London.

* Ibid. f. 322.

l. 7.

[1] f. 322. l. 3. The King Grants to the great men Scutage from their Tenants.

chelliers seeing themselves * forsaken by the King of England, consented, and delivered up the Town to the King of France, who placed a Garrison in the Town and Castle, and returned home without shedding one drop of Blood.

In the Octaves of Holy Trinity, the King at a Parliament [5] at Northampton, met the Arch-Bishops, Bishops, Earls, Barons, and many others, to treat about the Affairs of the Kingdom, (Conveniant ad Collegium apud Northampton, Rex cum Archiepiscopis, Episcopis, Comitibus, Baronibus & multis aliis de Regni negotiis tractaturi.) The King being willing to take the advice of his Great Men, (ut consilio Magnatum) concerning his Dominions beyond Sea, which the King of France had in his possessions. But the following Rebellious Practice broke those measures. Martin de Patersulle, Thomas de Waleron, and Henry de Baibor, the Kings Justiciaries at Dunstable, had let a very great Fine upon Falcaſius de Brent for the Rapine and Spoils he had committed. As soon as he heard of it, he fortified his Castle at Bedford, and sent out some Armed men to take the Justiciaries and bring them Prisoners to Bedford: But having notice of his Design, two of them made their Escape, and Henry de Baibor was taken and imprisoned in the Castle.

The King and the Council being highly displeased at this insolence and injury offered to his Justiciary; it was unanimously resolved to lay all other business aside, and by force and Arms to reduce the Castle. But first the Kings Messengers summoned them to Surrender, and were answered by William de Brent, Falcaſius his Brother, They did not look [7] upon themselves obliged to deliver it unless commanded by their Lord Falcaſius; because they were not bound by Homage and fealty to the King. The King being enraged at this Answer, ordered the Castle to be Besieged, and threatened (if taken by force) not to spare one man. The Arch-Bishop and Bishops Excommunicated Falcaſius, and all that were in Garrison in the Castle. But neither the Kings threats, nor Ecclesiastical Censures could prevail with them to yield; After many Assaults the Kings Soldiers entered the Castle.

Many were slain and wounded, and the rest submitted to the Kings mercy, [8] whereof Twenty Four were Hanged for their insolence to the King after the Castle was taken; Falcaſius beforehand had made his Escape out of the Castle, and fled into Wales, but by the intercession of Alexander Bishop of Coventry [9] he was introduced to the King, where falling down at his feet, he implored his mercy, urging his Services to the King and his Father in times of Hostility. Then the King by the advice of his Council, having first taken from him his Castles, Lands, and Goods, committed him to Custody of Eustachius Bishop of London till further Order, and caused the * Castle to be Demolished, but gave the houses and ground to William de Beauchamp. After this the Parliament granted to the King a shillings of every Plough Land; and the King granted to the Great men Scutage, two Marks Sterling of every Knights Fee, to be levied of their Tenants.

In

In the year 1225, King Henry [2]. kept his Christmast at Westminster (Presentibus Clero & Populo cum Magnatibus Regionis) The Clergy and Laity and the Great Men of the Kingdom being present; In this full Assembly Hugo de Turgh the Kings Justiciary in the presence of the Archbishops, Bishops, and Earls, Barons, and all others (Coram Archiepiscopis, Episcopis, Comitibus, Baronibus, & aliis Universis) declared the Damages and Injuries the King sustained in his Dominions beyond Sea, wherein not only the King, but also many Earls, and others were outed of their Possessions; And seeing many were concerned, the Assistance ought to be proportionable; therefore he required their Counsel and Aid, That the Royalities of the Crown, and their Antient Rights might be recovered, for the relieving of which, he thought the Fifteenth part of all Moveables, both of Ecclesiasties and Laics might be sufficient. This being pronounced [3] the Archbishop and all the Bishops, Earls, and Barons, Abbats and Priors, after some deliberation, returned this Answer to the King; They would readily gratify his desires, if he would grant to them their long desired Liberties, (Si libertates diu petitas concedere voluisset.) The King agreeing to what the Great Men desired, Charters were forthwith writ, and sealed with the Kings Seal, and one directed to every County in England. And to the Counties in which there were Forests, Two were directed; One concerning their common Liberties, the other concerning the Liberties of the Forest: The tenor of these Charters, is to be found in the History of King John, both being exactly alike. A Month after Easter a day [4] was set to choose Twelve Knights and Legal Men, (Duodecim Milites & Homines Legales) who upon Oath should distinguish the new Forests from the old ones; and what ever Forests were found to be made after the first Coronation of Henry the Second, were forthwith to be Disforested: The Council being ended, Charters were carried to every County, and by the Kings Command every one sworn to observe them. The way and manner of Levying this Fifteenth, was directed by the King, and because it was very particular, and worth noting, how Fifteenths were taxed in those times; the Record it self is Printed in the * Appendix.

On Candlemas-day following, the King [5] knighted his Brother Richard, and Ten Noblemen with him, and made him Earl of Cornwall and Devon; In the Spring he sent him, accompanied with William Earl of Salisbury, Philip de Albini, and Sixty Knights into Gasconny, who arrived at Burdeaux on Palm-Sunday, and was Honorably received by the Archbishop and Citizens. Then Richard opened the Kings Letters, in which he desired (Omnes Homines & Fideles sui de Regionibus illis) All his Men, and those that had sworn Allegiance to him, in those Countreys, should give Aid and Advice to his Brother Richard, for the recovery of his lost Dominion. Upon this a great many Knights and Soldiers resorted to him, and received Wages from him. Then he marched with a great Army through all Gasconny, and seized the Castles, of such as refused to do homage and swear Fealty to King Henry, and wherever he met with opposition, he reduced them by force; and in a short time subdued all that Countrey, having first obtained a great Victory over the Earl of March, who was sent by the King of France to raise the Siege of Reole Castle.

Rigord

A.D. 1225. [2] A Parliament at Westminster.

A Fifteenth granted,

[3] Ibid. n. 20.

The Charter of Liberties, and of the Forest granted.

[4] Ibid. n. 30.

* n. 150.

[5] Ibid. n. 40, 50. The King knighted his Brother Richard, and makes him Earl of Cornwall and Devon.

He with others is sent into Gasconny. The Knights and Soldiers of that Countrey come into him. He reduceth Gasconny to Obedience.

* De Gestis
Ludowici.
A. D. 1224.
f. 199. n. 20.
30.

[6] f. 324. n.
20.
Falsus his
Sentence.

For ever to
abjure the
Kingdom,

He was incou-
raged in his
Treason by
the Great
Men of Eng-
land.

[7] Ibid. n.
40.
Twelve
Knights, &c.
to walk the
bounds of the
Forests.

What was not
ancient Forest
was to be dis-
forested.

[9] Ibid. n.
10.
A Decree
against Priests
Concubines.

[1] f. 325.
n. 1.

Rigord * tells this Story otherwise, and the later French Historians follow him, He says that Lewis sent an Army under the Command of his Marshal to raise the Siege, and that when Earl Richard had notice of its coming to the River Garonne, he raised it, and shipped himself and Men, and went for England.

In March following [6] the Great Men met the King at Westminster at a Parlement or Conference (Convenerunt apud Westmonasterium ad Colloquium Rex & Magnates sui) where the King commanded Sentence should be given against his Traitor falsatus; what was to be done to him, the Nobility agreed with the King in this, (Proceres in hoc cum Rege consenserunt) That because both his Father and he had done faithful Service to the Crown many years, he should lose neither Life nor Limb; but should for ever abjure the Kingdom; Whereupon the King commanded William Earl of Warren safely to conduct him to the Sea, and as he entered the Ship, he adjured the Earl with Tears in his Eyes, to let the King know, that what ever he had done, was by the contrivance and encouragement of the Great Men of England; so he passed over into Normandy only with Five Servants or Horsemen, and as soon as he landed, he was taken and delivered to the King of France, where he was Sentenced to be hanged for the injuries he had done the French; But purging himself by Oath, and having taken upon him the Crusado, he was dismissed, and went forthwith to Rome, and with his Cleric Robert Passelew, was presented to the Pope.

The same year about Easter, [7] Hugo de Mevill, and Brian de Lile, with others, were sent by the King through England, to cause Twelve Knights, or Free and Legal Men (Duodecim Milites vel Liberos & Legales Homines) to be chosen in every Province or County of the Forests, to walk the bounds of them, and by Oath of those that lived therein, to find out which were the Ancient Forests, and which were to be Disforested. The Kings Command was in a short time Executed, but not without some opposition, every one using the Liberties that were granted; They sold their own Woods, Hunted in them, and stubbed up, and ploughed such of them as were disforested at pleasure. The Great Men, the Knights, and Free Tenants, made such use of the Common Liberties, that not one tittle contained in the Charter was pretermitted. Communibus libertatibus Magnates Milites, & libere tenentes adeo usi sunt, (quod nec Nota unum in Regis Charta Contentum extitit pratermissum.)

This year [9] came forth a Decree from the Archbishop, and his Suffragan Bishops, that the Concubines of Beneficed Priests and Clerks within Orders, (Infra sacros ordines constituti) should be denied Christian Burial, unless they repented whilest in health, or gave such testimonies of their penitence at the hour of death, (in extremis carum) as to deserve a Dispensation; And also so long as the Priests [1] kept them in their Houses or Publickly out of their Houses,

his most Public Enemies, without his consent, to the prejudice and Subversion of the Liberties of his Crown, affirming he could no ways recede from the Election and Promotion of the Bishop of Norwich, and if he might not be heard at Rome in his behalf, he would preclude all persons from passing thither, by shutting up his Ports. And since he had Arch-Bishops, and Bishops, and other Ecclesiastic Prelates in his own Nations, abounding in all sort of Learning, he told him if he were forced to it, he would neither seek Justice or Judgment of Strangers out of them.

The Pope [3] wrote back to him, and reproved him for his stiffe way of Writing; yet told him (though it was not necessary in Elections made at Rome) that he, the Monks, and others had sent for his Consent, but their Messengers were stopped or otherwise hindred, so as they could not come to him, [4] and therefore adviseth him to submit to his pleasure, which would be much for his Honor, and not resist God and the Church, in this Cause, for which the Blessed Martyr, and glorious Bishop Thomas, (they are the Historians Words) Spill his Blood; Especially since his Father and Brother had abjured that Evil Custom.

The Pope [5] finding the Kings Heart so far hardened (Cor Regis adeo induratum) as not being able to prevail upon him by his Courtship, advice, and Comminations, to receive Stephanas Arch-bishop, being touched with an Inward Grief of Heart, by advice of his Cardinals commanded William Bishop of London, Eustachius Bishop of Ely, and Gauger Bishop of Worcester, to go unto the King, and with a pious care and sollicitude, [6] to treat with him about the Business of the Church of Canturbury, and if they found him Contumacious and Rebellious as thitherto he had been, (Quod si forte ipsum Contumacem, sicut Haftenus Existit invenirent & Rebellem.) they should Declare to him his Kingdom should be interdicted; and if by that he would not amend his pertinacy, he should press him with a more heavy hand. He wrote at the same time to the Suffragans of Canturbury, and other Prelates of that Province, to receive and obey him as their Pastor and Arch-Bishop.

Hereupon, The [7] Bishops as they were enjoined, repaired to the King, Supplicating him with Tears; That as he had God before his Eyes, he would recall the Arch-Bishop and Monks to their Church, Honor and Love them with perfect Charity, that so he might avoid the Scandal of the Interdict, (ut Interdicti Scandalum vitare curaret.)

The King descended as far as he could to Gratifie the Pope, in receiving Stephen Langton to be Arch-Bishop of Canturbury, upon these Bishops acquainting him with the Popes Injunctions to them, promising by his [8] Letters Patents attested by seven Earls and three Barons, above two Months before the Interdict, to do any thing therein, which his Council should think fit and reasonable, saving in all things to him and his Heirs the Right and Dignity of his Crown.

But it seems those Terms and Conditions pleased not the Bishops; they press him further [9] which drove the King into a great passion or fury, and caused him to speak Hard words against the Pope and

[3] Ibid. n. 30.
40. 10. &c.
The Popes
Answer and
Reproof.

[4] Ibid. f. 225.
n. 30. 40.

The same
Controversie
or Quarrel
between
King John
and Stephen
Langton that
was between
Henry 2. and
Thomas Becket.

[5] Ibid. f. 226.
1. 3.

A. D. 1208.
King John
would not be
prevailed upon
by the
Popes advices.

[6] Ibid. n. 10.

His Kingdom
threatened to
be interdicted.

[7] Ibid. n. 10.
The Bishops
solicite him
to receive the
Arch-Bishop.

King John's
condiscention
to receive the
Arch-Bishop.

[8] Append.
n. 87.
The Bishops
not pleased
with the
Terms offered
by the King.

[9] Paris ut
supra n. 10.

* De Gestis
Ludowic.
A. D. 1224.
c. 399. n. 20.
30.

[6] f. 314. n.
20.
Falsatus his
Sentence.

For ever to
abjure the
Kingdom,

He was incou-
raged in his
Treason by
the Great
Men of Eng-
land.

[7] Ibid. n.
40.
Twelve
Knights, &c.
to walk the
bounds of the
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What was not
ancient Forest
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[9] Ibid. n.
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[1] f. 325.
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The same year about Easter, [7] Hugo de Rebili, and Brian de
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[7] Ibid. n. 30.
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King John's
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[8] Append.
n. 85.
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[9] Paris us
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* De Gestis
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[6] f. 324. n.
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[11] f. 325.
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resist God and the Church, in this Cause, for which the Blessed Martyr,
and glorious Bishop Thomas, (they are the Historians Words) Spill
his Blood; Especially since his Father and Brother had abjured that
Evil Custom.

The Pope [5] finding the Kings Heart so far hardened (Cor Regis adeo
induratum) as not being able to prevail upon him by his Courtship,
advice, and Comminations, to receive Stephanas Arch-bishop, being
touched with an Inward Grief of Heart, by advice of his Cardinals
commanded William Bishop of London, Eustachius Bishop of Ely, and
Ranger Bishop of Worcester, to go unto the King, and with a pious
care and sollicitude, [6] to treat with him about the Business of the
Church of Canturbury, and if they found him Contumacious and
Rebellious as thitherto he had been, (Quod si forte ipsum Contu-
maceum, sicut Haecenus Extitit invenirent & Rebellum,) they should
Declare to him his Kingdom should be interdicted; and if by that he
would not amend his pertinacy, he should press him with a more
heavy hand. He wrote at the same time to the Suffragans of Can-
turbury, and other Prelates of that Province, to receive and obey
him as their Pastor and Arch-Bishop.

Hereupon, The [7] Bishops as they were enjoined, repaired to
the King, Supplicating him with Tears; That as he had God before
his Eyes, he would recall the Arch-Bishop and Monks to their Church,
Honor and Love them with perfect Charity, that so he might avoid
the Scandal of the Interdict, (ut Interdicti Scandalum vitare curaret.)

The King condescended as far as he could to Gratifie the Pope, in
receiving Stephen Langton to be Arch-Bishop of Canturbury, upon
these Bishops acquainting him with the Popes Injunctions to them, prom-
ising by his [8] Letters Patents attested by seven Earls and three
Barons, above two Months before the Interdict, to do any thing
therein, which his Council should think fit and reasonable, saving in
all things to him and his Heirs the Right and Dignity of his Crown.

But it seems these Terms and Conditions pleased not the Bishops;
they press him further [9] which drove the King into a great Pa-
sion or fury, and caused him to speak Hard words against the Pope
and

[3] Ibid. n. 30.
40. 50. &c.
The Popes
Answer and
Reproof.

[4] Ibid. f. 215.
n. 30. 40.
The same
Controversie
or Quarrel
between
King John
and Stephen
Langton that
was between
Henry 2. and
Thomas Becket.

[5] Ibid. f. 226.
li. 2.
A. D. 1208.
King John
would not be
prevailed up-
on by the
Popes advice.

[6] Ibid. n. 10.
His Kingdom
threatened to
be Interdi-
cted.

[7] Ibid. n. 20.
The Bishops
solicited him
to receive the
Arch-Bishop.

[8] Ibid. n. 20.
The Bishops
solicited him
to receive the
Arch-Bishop.

[9] Ibid. n. 20.
The Bishops
solicited him
to receive the
Arch-Bishop.

[10] Ibid. n. 20.
The Bishops
solicited him
to receive the
Arch-Bishop.

[11] Ibid. n. 20.
The Bishops
solicited him
to receive the
Arch-Bishop.

[12] Ibid. n. 20.
The Bishops
solicited him
to receive the
Arch-Bishop.

[13] Ibid. n. 20.
The Bishops
solicited him
to receive the
Arch-Bishop.

[14] Ibid. n. 20.
The Bishops
solicited him
to receive the
Arch-Bishop.

he King pro-
voked to pas-
sion and
threats.

and Cardinals, swearing by the *Teeth of God*, That if they or any others whatsoever, should dare to put his Countries under *Interdict*, he would forthwith send all the *Prelates, Clerges, and Men* in Orders to the *Pope*, and *Confiscate* their Goods; And added, that whatever *Romans* he could find, he would cause their *Noses* to be cut off, and their *Eyes pulled out*, and send them to *Rome*; That by those marks they might be *Distinguished* from Men of other Nations; and Commanded the *Bishops* out of his presence, lest their Bodies might suffer.

[1] Ibid. n. 30.
* *In primis Die Luna in passio-
ne Domini*:
That is the
Monday after
the 5th Sun-
day in Lent.
His Kingdom
is Interdicted.

After these *Threatning* words the *Bishops* [1] finding no fruits of *Repentance* in the King (says *Paris*) left him, and in *Lent* following on the * first Monday in the *Passion* of the Lord (which is the Monday before *Palm Sunday*) and was on the 10th of the *Kalends* of *April*, or 22 of *March*, they *Interdicted* all the Kingdom of *England*. Then all *Ecclesiastick Sacraments* ceased (*cessaverunt omnia Ecclesiastica Sacramenta*) except *Confession* and the last *Vaticum*, or *Eucharist* given to sick Dying Men, and *Baptism* of *Infants*. The Bodies of the Dead were carried out of *Cities and Towns*, and Buried in *High-ways and Ditches*, without *Service*, or the *Ministry* of *Priests*.

[2] Append.
n. 86.

Whereupon the day following the King Commanded them to deliver the [2] *Letters Patents* he had given them, concerning what he promised in the *Business* of the *Church* of *Canterbury*, in which he had saved his *Right and Dignity*, to his *Justiciary* *Geoffrey Fitz-Peter*. [3] And *William Bishop* of *London*, *Eustachius* of *Ely*, *Dauget* of *Worcester*, *Jocelin* of *Bath*, and *Giles Bishop* of *Hereford*, privately went beyond Sea.

[3] *Paris* fol.
226. n. 40.

The King during this *Treaty* with the *Bishops*, to preserve the rights of his *Crown*, committed the *Custody* of [4] *Christ-Church* in *Canterbury* and all things within it, to *Ralph* of *St. Martin*, and *Robert* of *London* one of his *Chief Clerges*; and likewise the *Custody* of all the *Manners* with their *Appertinencies* belonging to the *Priory*, to the same *Robert*, and *Henry de Sandwich*. And committed also to the *Custody* of the said *Ralph* and *Robert*, and *Ralph de Arden* the *Custody* of the *Manners* with their *Appertinencies* belonging to the *Arch-bishoprick*, during his *Royal Pleasure*.

[4] Append.
n. 88.

Also [5] during this *Treaty* with the *Bishops*, *Simon Langton*, *Stephans* Brother came to the King at *Winchester*, desiring him in the presence of the *Bishops* to admit his Brother to the *Arch-bishoprick*, which he offer'd to do, saving his *Right and Dignity*. When the King first mention'd it, he presently reply'd, he (that is, his Brother) would do nothing for the King, unless he would wholly *Refer* himself to him; And left upon *Sinister* and *Partial* Reports of this matter the *Peoples* affections in *Kent* especially might be alienated from the King, he wrote to them to let them know what mischief and injury he had done to him.

He offers to
receive the
Arch-Bishop
saving his own
Right and
Dignity.
*Simon Lang-
ton's* insolent
Reply to the
King.

[6] *Met. Paris*
226. n. 40.
50.
The King re-
venges himself
upon the
Church and
Church-men.

The King [6] much confounded at the Sentence of the *Interdict*, sent his *Sheriffs*, and other *Ministers* of *Iniquity* into all parts of *England*: (*Res ob causam Interdicti mente nimis Confusus misit Vicecomes suos & alios iniquitatis Ministros in omnes fines Anglie*) and Commanded every *Prelate*, and their *inferiour Clergy* with

terrible

fer, they should be *denied* (the *a. osculum pacis, & panem. b. benedictum*) The *Kiss of Peace*, and *Blessed Bread*.

And also that after *Childbirth* they should not be *Churched*, till they had given sufficient *Security* to the *Arch-deacon* or his *Official*, to make *satisfaction* the next *Chapter* after their *Churching*. All *Priests* in whose *Parishes* any such *Concubines* dwelt, if they did not give notice to the *Arch-deacon* or his *Official*, were to be *suspended*, and not to be *Absolved* without some severe penance. And if it could be proved a *Priest* had carnally [2] known his *Concubine*, He should do publick and solemn Penance: And if she were convicted of *Adultery* she was to be doubly punished, lest impunity in so great guilt, should give *encouragement* to others to offend in like manner.

[2] fol. 328.
n. 10.

This year the *Pope* sent *Ordo* [3] his *Legate* into *England* with *Letters* to be delivered to *King Henry*, which when he had read and understood the *tenor* of them, He answered the *Legate*, that he neither could or ought to determine any thing that generally concerned the *Clergy* and *Lairy* of the whole Kingdom. Then by the *Advice* of the *Arch-bishop*, He appointed on the *Quarles* of *Epiphany*, to meet his *Clergy* and *Lairy* at *Westminster*, to treat upon the afore-said business.

[3] Ibid. n.
90.
Ordo the
Popes Legat
comes with
Letters from
the Pope to
the King.

Then the *Legate* moved the King in behalf of *Falsatus*, urging the great and faithful Services both to him and his Father in the late Wars: The King replied, that his Sentence passed, and he was condemned to perpetual banishment by the whole *Clergy* and *Lairy* of the Kingdom by the Judgment of his Court (*Ab omni Clero & Populo Regni per Judicium curie sue*). And altho the Government of the Kingdom (*Cura Regni*) did more especially belong to him; yet he ought to observe the good Laws and Customs of the Land. When the *Legate* heard this, he forbore soliciting the King any further for *Falsatus*. Then the *Legate* [4] took of every *Conventual Church* Two *Barcs* of *Silver* for *Procurations*.

Note here the
Omnia Clerus
& Populus
Regni,
were the
Magistrates
only, or
Great Men;
See his Sen-
tence before.
[4] fol. 326.
lin. 1.
A. D. 1226.
[5] fol. 328.
lin. 1.
The King tak-
en sick at
Marleborough.

In the year 1226. King *Henry* [5] kept his *Christmas* at *Winchester*, some *Bishops*, and many of the *Great Men* being present. When the Solemnity was ended, the King went to *Marleberge*, where he was taken desperately ill, and continued so for many days; In the mean while the *Fest* of *St. Hilary* the prefixed time was come,

a. *Osculum pacis* in the Service of the Mass, antiently after the Consecration of the Host, when these words were pronounced, *Pax Domini sit semper vobiscum*, the Priests and People kissed one another with a soft gentle Kiss, which was called *Osculum pacis*, the Kiss of Peace, instead of which now they use a little Image which is called the *Pax*, and is delivered to the Priests and People by the Deacons and Sub-Deacons to be kissed. And People that were in Discord or Enmity one with another, used this Kiss as a token of Reconciliation.

a. The Kiss of
Peace, what
it was.

b. *Panis Benedictus*, was Bread that was blessed by the Priest and given to the Catechumens (that is, such as inclined to Christianity, and desired to be Christians, but were not Baptized) to prepare them for receiving the *Eucharist*; This also was given to such as were at Enmity one with another, as a sign of Friendship and Reconciliation. But in this place it may signify the *Eucharist* it self.

The Blessed
Bread, what
it was.

c. The *Latine* word is *Constitution*, and in this place signifies a *Constitution* of all the *Curates*, or *Parish-Priests* within their *Rural Deanery* every First day of the Month, to discourse of the Penitents and other *Ecclesiastick Matters* of every *Parish* within the *Deanery*. These meetings were called * *Capitula Ruralia* or *Balnetæ*, from meeting on the First day of the Month.

The Rural
Deans Chap-
ter, what it
was.
* *De Freng*
in verbiis.

Z z z

that

That the King, with the Clergy and Great Men, (*Cum Clero & Magnatibus Regni*) of the Kingdom, were to hear the Message from the Pope. But however, according to the King's appointment, many Bishops with other Prelates, and a great number of the Lantry met at Westminster on that day.

Then the Legate opened his Letters, wherein the Pope complains, That it was an *Antient Scandal and Reproach* cast upon the Church of Rome, That nothing could be transacted without great sums of Money, and plenty of Gifts; And seeing that which caused this Infamy was her poverty, it became Dutiful Children to supply their Mothers wants, which might easily be done, if out of every Cathedral Church two Prebendaries might be set apart for this purpose, One by the Bishop, the other by the Chapter; And also out of every Monastery where there is an Abbot and Convent, One Monks Portion from the Convent, and as much from the Abbot; and persuaded the Prelates to Consent to what the Pope desired.

[6] When the Bishops and other Prelates had heard this Proposal, after some deliberation they gave their Answer by John Arch-Deacon of Bepton, who in the presence of the Legate, replied, That what was proposed, concerned the King specially, and generally all Patrons of Churches in England, besides Archbishops, Bishops, and innumerable Prelates; And seeing the King upon the Account of his infirmity, and some Archbishops, Bishops, and other Prelates were absent, they neither could nor ought to give an Answer which might tend so much to their prejudice. Then came John Baretchal, and other Messengers from the King to the Prelates which held Baronies of the King in Capite, strictly forbidding them, from obliging their Lay-Fees to the Church of Rome, lest he should thereby lose his accustomed Service. Then the Legate desired another day might be appointed in Mid-Lent, and he would take care, the King and the Prelates who now were absent, should be there. But neither would they admit of this, without the [7] Kings Consent. So they all went to their own home.

At the same time [8] Romanus was by the same Pope sent Legate into France upon the like occasion; when he called an Assembly of the Clergy at Bourges, he finding the Popes Demands would be opposed by them, craftily dismisses the Procurators of the Conventual Churches, imagining they should find a ready acceptance among the Archbishops, Bishops, Abbots, and Prelates. When this contrivance was perceived by the [9] Procurators, they sent to the Legate Procurators of all Cathedral Churches, who told him, they heard he had special Letters from the Court of Rome, to have Two Prebendaries assigned in every Conventual Church, wherefore they much wondered, seeing it more specially concern'd them, it was not propounded while they were present; Adding, that they were very sensible it would be a great and an inestimable damage to the Gallican Church, and could never be effected, seeing the King, the Nobility, and generally all his Subjects were resolved to oppose it (*Usque ad expositionem Capitis, & omnis honoris privationem*) even to the loss of Life and Honor; especially when it hazarded the subversion both of the Kingdom and Church. When the Legate heard their thoughts, he

he then shew'd them the Popes [1] Bull, urging them to a compliance upon the same reasons. When the Legate offered to the English Clergy: To which the Archbishop of Lyons [2] gave such a full and satisfactory Answer, that the Legate professed he never consented to these exactions, but Received these Letters after his entrance into France; adding he would urge nothing more, until he saw what the Prelates in other Kingdoms had done in this business.

The same year When the Popes Legate [3] came into Northumberland in Lent, to Collect the Procurations that were in Arrear; He soon after (by the procurement of the Archbishop of Canturbury was revoked by the Pope) and an Injunction was laid upon the Archbishop (*Ut Convocatis Rege & omnibus Anglia Prelatis*.) The King and all the Prelates of England being Assembled to receive their Answer upon the business When was sent, and to transmit it to him. Then the King, after Consultation with the Prelates, and some of the Great Men, returned this Answer [4] That though what the Pope urged concerned the Universal Church, yet he was ready to follow the example of other Kingdoms, and would see first what they did; and with this Answer the Assembly was dismissed.

The King was very * solicitous about his Brother Richard and his affairs in Gascoigny, and much desired to pass over thither with some force: But while he was thus thoughtful concerning them, an Express came from his Brother, That he was well, and all things succeeded prosperously there; if so, Rigord and others were much mistaken, in affirming that he unsuccessfully returned into England.

This year in September dyed Lewis [5] King of France, at the Siege of Avignon, and his Son Lewis was [6] Crowned at Paris the 30th of November following.

In the year 1227. King Henry [7] kept his Christmas at Reading, but soon after came to London, and accused the Citizens for giving 5000 Marks of Silver to Lewis the late King of France, at his departure out of England, and compelled them to pay the same sum to him, and Levied, besides the Fifteenth part of all their Moveables and Goods, as it had been granted unto him by the whole Nation: From the Burgesses of Northampton, he took for an Aid 1200 l. besides the Fifteenth, which all other People paid. The Religious and Beneficed Clerks were forced to pay the same, as well out of their Benefices as Lay-Goods. Their Appeal to the Pope did not avail them any thing; for those whom the Kings Authority could not, the Papal Power by Ecclesiastical Censure forced them to pay.

In February following the King [8] called a Council at Oxford, where He declared that He was then of * full Age, and would take the management of Publick Affairs into his own hands, and by the Advice of Hubert de Burgh his Justiciary, he removed from his Court, Peter Bishop of Winchester, His Protector in his Minority; In the same Council He Cancelled and Voided all the Charters of the Foresters in every County, which for two years before had been observed in the whole Kingdom; alledging that what was then done was in his Minority, (*Cum nec sui Corporis aut Sigilli aliquam potestatem habuerit*) when he had no power of his Person or Seal, and up-

The Pope desires an allowance of two Prebendaries of every Cathedral, And two Monks portions of every Abby.

[6] Ibid. n. 30. The Bishops Answer to this Demand.

[7] Ibid. n. 40.

[8] fol. 329. n. 20. The Pope makes the same demands in France.

[9] Ibid. n. 40. and 50. They are opposed.

[1] fol. 330. l. 4. [2] Ibid. n. 50. 40. The Arch-Bishop of Lyons answers all the Legates Arguments.

[3] Ibid. n. 50. Ordo revoked.

The King and Prelates meet about the Popes proposals.

[4] fol. 331. n. 10. They return a dilatory Answer.

* Ibid. n. 40. Earl Richard prospers in Gascoigny.

[5] fol. 334. n. 10. 20. King Lewis dies.

[6] fol. 335. n. 10. 20. His Son Lewis is Crowned.

A. D. 1227. [7] fol. 336. n. 10. 20.

London paid 10000 Marks to the King.

Northampton paid 1200 l.

The Religious and Beneficed Clerks paid the Fifteenth.

[8] Ibid. n. 30. The King declares himself of age.

* He was born on the first of Octob. A. D. 1206.

And Cancelled the Charters.

The people murmur and accuse Hubert de Burgh.
[9] Ibid. n. 40

on that account was invalid. This occasioned great *Murmuring*, every one accusing the *Justiciary*, and looking upon him to be the *Author* of this disturbance, because the King was wholly guided by him. Soon after the [9] *Religious*, and all others had notice, that if they would enjoy their *Liberties*, they should *renew* their *Charters*, otherwise the *Old ones* should be no advantage to them; and what they were to pay for them, was left to the discretion of the *Justiciary*.

[7] Ibid. n. 50.

Honorius the Pope: Dyes, Gregory the ninth chosen. The King sends to his Great men in France.

* That is, Normandy and Anjou, Brittany and Poitou. To induce them to return to his Obedience. They had before done Homage to the King.

[2] f. 337. n. 10.

Richard Earl of Cornwall returns into England. Hubert de Burgh is made Earl of Kent. The King and his Brother Richard Disagree.

This year Dyed [1] Pope *Honorius*, and Gregory the Ninth, Bishop of *Hosia* succeeded him March 18th.

About Easter the Arch-Bishop of York, the Bishop of Carlisle, and Bishop de Albiney returned from beyond Sea; They were sent to the Great men of those Countries, which of *Antient* * right belonged to the King of England; And were to induce them by large promises to receive King Henry and Acknowledge him their Natural Lord. But the King of France, by his Mothers Contrivance made Peace with those Barons, and had received their Homages, before King Henry's Messengers came thither, so they returned without effecting anything. In May following Richard the [2] Kings Brother came into England and was joyfully received both by the King and the Great men. This year Hubert de Burgh the Justiciary was made Earl of Kent by the King, and by *Cinture*, with the *Sword* of the County.

In the same year on the 9th of July a great difference arose between King [3] Henry and his Brother Richard. Earl of Cornwall upon this occasion; King John had given to Walteran Castellan of Berdham Head a German, a Maner that belonged to the Barldom of Cornwall; which when Earl Richard understood, he seized it, until Walteran made out by what right he claimed it. As soon as Walteran had notice of it, he made his complaint to the King, whereupon the King sent to his Brother, forthwith upon sight of his Letters to render the Maner to Walteran. Earl Richard in great hast went to the King, and pleaded his right to the aforesaid Maner, offering to stand to the Judgment of his Court (& *Magnatum Regni*) and of the Great men of the Kingdom; The King and the Justiciary hearing him name the Great men, were highly enraged, and commanded him either to yeild the Maner, or for ever depart the Kingdom; to which Earl Richard replied, That he would neither part with the Maner, nor leave the Kingdom (*sine iudicio patrum suorum*), without the Judgment [4] of his Peers, and forthwith made what hast he could to his own House. The Justiciary when he heard his Answer, fearing he might Disturb the Peace of the Kingdom, advised the King to Secure him, and set a Guard upon him. The Earl having notice of this Design, went immediately to Redding, and from thence to Berleberg, where he met with his Friend and Sworn Confederate William Marechall, to whom he declared what passed between the King and him; together they went to the Earl of Chester and gave him an account what had happened; from thence they went to Stamford, where in a short time according to appointment met with Horse and Arms, Ranulph Earl of Chester, William Marechall, Richard Earl of Cornwall, Gilbert Earl of Gloucester, William Earl of Warren, Henry Earl of Hereford, William Earl of Ferrars, William Earl of Warwick, with many

[4] Ibid. n. 30, 40, 50.

The Justiciary advieth the King to Secure his Brother. * I.e. Marlborough. He Confederates with the Great men against the King.

many Barons and a great multitude of Armed men, who entred into a Confederacy to force the King both to satisfy for this injury that was done to his Brother Richard, which they imputed to the Justiciary, and to restore those Charters of Liberties lately cancelled at Oxford, Sealed with his own Seal. Upon this the King appointed them to meet him at Northampton the 3d of August, where he gave all his Mothers Joynture to his Brother Richard, the Great men urging it, together with all the Lands that belonged to the Earl of Brittain in England, which were the Earl of Bologn's lately Deceased; so every one departed peaceably and satisfied.

In the year 1228. the King [5] kept his Christmas at Ebor; but soon after came directly to London: In his journey he found the Measures of Grain, Wine and Ale to be false: He commanded some of them to be broken, and the rest to be burnt, and ordered others of a larger size to be made, and the weight of bread to be increased; and Commanded the Offenders to be severely fined.

This year July 9th Dyed [6] Stephen Langton Arch-Bishop of Canturbury, and the Monks of Canturbury obtained leave of the King to choose one of their own Church: They having made choice of Walter de Bevesham, presented him to the King, who refused to accept him, both because his Father was hanged being convicted of Theft, and also because in the time of the Interdict, he had appeared against his Father King John. The Suffragan Bishops of Canturbury refused to accept him, because he had corrupted a Nun, and had Children by her, and also because he ought not to be chosen without them. Both sides apply themselves to the Pope, One to get the Election confirmed, and the Other to hinder it. When the Pope saw both parties vigorously prosecuted their Suit, by the Advice of his Cardinals he determined nothing, but put it off till the Day after Wednesday following.

In August following the Knights and Soldiers that were in Monogomery Castle, [7] by the Assistance of the Country people designed to make the way through an adjacent Wood, more passable and secure for Travellers; and when they were at work in clearing the Thickets, the Welch on a sudden came upon them, killed some and forced the rest to retire into the Castle, and presently besieged it. When King Henry had notice of it, he and the Justiciary (to whom the King had given the Castle) came speedily with a small Army and raised the Siege. When he had received additional Forces, he Marched towards the aforesaid Wood: And having cleared the way by great labour and burning so far as to a Religious House called Criddle, the Receiptacle of the Welch, he commanded it to be Fired. When the Justiciary upon view of the place found it to be of an Impregnable Situation, commanded a Castle to be built there: But all the time it was in building, the Workmen were frequently interrupted, and many killed by the Welch, and the King finding many of his own Army cowardly favoured Leolin, was forced to make a disadvantageous Peace, whereof this was one Article; That this Castle should be demolished, and Leolin should give the King for his charges three Thousand Marks.

They Demand the Charters which were Cancelled, may be new Scaled.

The King Gives his Brother fair satisfaction.

[5] Ibid. f. 344. n. 20. The King appoints new Measures of Grain, Wine, and Ale.

[6] f. 350. l. 1

Stephen Langton Dyes.

The King Refuseth to accept the person the Monks did choose.

The Suffragan Bishops also refuse him.

All parties Appeal to the Pope.

He defers the Confirmation.

[7] Ibid. n. 30, 40, 50.

The Welch disturb the English in making a way through the Woods.

A new Castle built by the English.

King Henry makes a disadvantageous Peace.

The new Castle demolished.

A. D. 1219.
[8] f. 353. n. 10
The Arch-
shop of Bur-
deaux comes
to invite the
King into
France.
With large
promises of
assistance.
The King
gave him a
slight dilatory
Answer.
[9] f. 355. 4.
The King's
Messengers
attend in vain.
The Pope re-
solves with-
out Money.
They promise
him a Move-
able in Eng-
land and Ire-
land.
[1] Ibid. n. 20.
The Pope
voids the
Monks electi-
on.
And makes
Richard Chan-
cellor of Lin-
coln Arch-
shop.
[2] f. 361. l. 1.
Stephan the
Pope's Chap-
lain comes in-
to England to
collect the
Tenth.
[3] Ibid. n. 40.
The King calls
a Parliament
or Confe-
rence of the
Great Men.
* The Second
Sunday after
Easter.
Stephan de-
clares his
Message from
the Pope.
[4] f. 362. l. 4.
The King ob-
liged by his
former prom-
ise, did not
oppose the
collection of
the Tenth.
[5] Ibid. n. 10.
The Bishops,
Abbats, &c.
consented to
avoid Excom-
munication.
[6] Ibid. n. 20.
The Tenth
was to be
paid without
any deducti-
on.

In the year year 1229. the King [8] kept his *Christmasts* at Oxford, the Great Men being with him; while he was there the Archbishop of Burdeaux came to him from the Great Men of Gascoign, Aquitan, and Poitou, and also Messengers from Normandy to sollicite the King to come in person into those Countreys, assuring him that they would be all ready, with Men, Horse and Arms to assist him in recovering his ancient Inheritance, (*Ut posset revocare amissas Hereditates.*) The King by the advice of his Justiciary, (whose Counsel he followed in all things) Answered them, he could not comply with them at present, but would wait for a more convenient opportunity. So the Messengers returned without any other Answer.

[9] Alexander Bishop of Chester, Henry Bishop of Rochester, and Master John de Poughton Arch-Deacon of Bedford, the Kings Messengers at the Court of Rome, according to appointment attended on Wednesday for the Popes determination, concerning the Elect of Canturbury; But finding both the Pope and the Cardinals very difficult to be prevailed upon by Petitions, promised on the King's behalf (*Ex parte Regis*) a Tenth of all Moveables from all England and Ireland to be paid to the Pope toward his carrying on the War against the Emperor. The Pope joyfully embraced this offer, and forthwith caused the Election made by the Monks to be [1] voided, and Richard Chancellor of the Church of Lincoln, was promoted by the Pope to the Archbishopric, without Election, by the consent of the King and the Bishops, and his Election confirmed by the Pope.

This year the Pope sent his Chaplain [2] Stephan into England, to Collect the Tenth that were lately promised, towards the defraying the charges of his War against Frederic the Emperor. As soon as the King understood his Message, He [3] caused the Archbishops, Bishops, Abbats, Priors, Templars, Hospitallers, Carls, Barons, Rectors of Churches, (*Et qui de se tenebant in Capite*) and those which held of him in Capite, to meet him at Westminster (** Domini qua cantatur Misericordia Domini*) to treat upon the above-mentioned business and other Urgencies. When they were met, Stephan, opened and recited to them the Popes Letters, urging both the Occasion, Necessity, and Expedient, which required, that what was promised by the Kings Messengers, should be consented to, and Granted. When he had ended his Speech, all expected the King [4] would have opposed it, but he being tyed up by the fore-mentioned promises, (*Factus est Baculus arundineus cujus fragmenta vulneraverunt in se confidentes*) became like a broken Reed, which wounded those that leaned upon it, by his Silence seemed to consent. But the [5] Carls and Barons, and all the Laitie opposed it, resolving they would not oblige their Baronies, and Lay-Fees to the Court of Rome. But the Bishops, Abbats, Priors, and other Prelates, after three or four days deliberation, and no small reluctance, consented, least (if they opposed,) they should incur the Sentence of Excommunication. Then Stephan [6] shewed them the Popes Letter, whereby he was Commissionated to Collect the aforesaid Tenth, which were to be paid out of all their Profits whatever, without any deductions either of Debts or Expenses, and was impowered to Excommunicate whoever refused; and also to interdict their Churches: And because the business required speed, he gave notice to the Pre-
lates,

lates that they should forthwith pay down what was due upon the Tenth; and afterwards levy it upon every one by way of Tax, which Exaction proved so grievous, that they were forced either to Sell [7] or Pawn their Vessments, Chailers, and other holy Vessels belonging to their Churches. Moreover, he exacted the Tenth of the Autumnal fruits of the Earth while they were yet in the Bud; All which they were forced to procure and pay to avoid Excommunication, and Interdict. And for the more ready raising of Money, he brought with him certain wicked Usurers, (*quidam seneiores nequitissimi*) who supplied the Indigent with money, which they were compelled to borrow, although they were thereby irrecoverably ruined. Ranulph Earl of Chester [8] was the only Man that opposed this Exaction, not permitting any Religious Man, or Clerks, upon his Lands to pay any of the above-mentioned Tenth, notwithstanding they were paid every where besides in England, Wales, Scotland and Ireland.

The same year on Michaelmas Day, the King [9] caused the whole Nobility of England, viz. the Earls, Barons, and Knights to meet together at Portsmouth, (*Congregavit apud Portsmue totam Nobilitatem Regni Anglie, Comites, videlicet Barones, & Milites*) with such a great Number of Horse and Foot, that none of his Predecessors ever gathered to great an Army together. The King intended to pass over Sea to recover those Dominions his Father had lost. But when the Chiefs and Marshalls of the Army came to view the Ships, there were not enough to carry over one half of the Army. When this came to the Kings knowledge he was highly enraged, and laid the whole blame upon [1] Ranulph Earl of Chester his Justiciary, and openly called him Traytor, reproaching him for receiving 4000 Marks from the Queen of France to put a stop to his design; at length the King was raised to such a height of passion, that he drew his Sword and would have killed the Justiciary, had not Ranulph Earl of Chester, and some others interposed, and prevented it. On the 9th of October following, Henry Earl of Brittain landed in England, to conduct the King over Sea, as he was bound by former Agreement and Oath, who advised the King to lay aside all thoughts of passing over Sea till Easter following, because it was dangerous Sailing, and a Winter Voyage might be to his loss. Upon this the King gave [2] every one liberty to go home again, and the Justiciary was reconciled to him. Then that Earl did Homage to the King (*contra omnes homines de Brittainia*) against all men of Brittain, and the King referred to him all his right in England, and having given him 4000 Marks for the defence of his own Dominions, he dismissed him.

In the year 1230. the King [3] at Christmas held his Court at York with the King of Scots, who was invited thither together with the Archbishop of the place, Carls, Barons, Knights, (*Et familia magna nimis*) and an over great multitude of their followers. Having celebrated the Festivty with great joy and liberality for three days the King of Scots returned into his own Country, and the King of England to London.

[7] Ibid. n. 20.
Stephan brought over Masters to lend money to such as were not able to pay the Tenth down.
[8] f. 363. l. 3.
Ranulph Earl of Chester.
The Clerics and Religious that depended upon him only opposed it.

[9] f. 365. n. 30.
The King summons the Nobility of England to sail beyond Sea with him. There wanted ships to Transport them.

[1] Ibid. n. 40.
The King accuseth the Justiciary, for that Defect. The Earl of Brittain comes for the King.

[2] Ibid. n. 40.
The Justiciary reconciled to the King. The Earl of Brittain referred to him his right in England.

A. D. 1230.
[3] f. 364. n. 40.
The King of England, and King of Scots meet at York.

[4] f. 365. n. 10.
A great Summ of Money Granted to the King.

This year [4] the Arch. Bishops, Bishops, Abbats, and Priors, throughout all England gave the King a great Summ of Money for the recovering his Rights which were taken from his Father beyond Sea; And upon the same Account the Citizens of London were put to a grievous Redemption, and the Jews forced to pay the third part of all their substance.

[5] f. 365. n. 10.
The King parted over into Britany. The Earl thereof delivered up his Towns and Castles to him. Many of the Nobility did Homage, and Swear fealty.

On Easter following, the King [5] gathered together a very great Army of all that ought him Military Service at Beding; and Marched from thence to Portsmouth the 30th of April, and there took Ship with the greatest part of his Army, and Landed at St. Malo on the 3d of May. He was very kindly received by the Earl of Brittain, who delivered up to him the strong Towns and Castles of that Country, and many of the Nobility did Homage, and Swore Fealty to him; But Andrew de Ulster with some others refused, and fortified their Castles. As soon as the King of France heard of this, he raised an Army and came to Anjou, and posted himself there to hinder King Henry's March into Poitou, who continued yet at Nantes expecting the residue of his Army.

[6] Ibid. n. 10
Discord between the French Nobility.

They Arm against the Earls of Champagne and Flanders.

About this time [6] there happened a great discord among the French Nobility, many of them (as was reported) being Confederated with the King of England, and Earl of Brittain, the chief of which were the Duke of Burgundy, the Earl of Bologne, the Earl of Flanders, the Earl of Salu, the Earl of St. Paul, the Earl of Bar, Engeram de Curi, and Robert de Courtenep, these declared War against the Earls of Champagne and Flanders, and having been forty days in the Siege of Anjou, obtained leave of their King and returned home; The King seeing he could not keep them there, presently followed, and endeavoured to make Peace between them, and the Earls of Champagne and Flanders, but could not; They entered Champagne and destroyed all before them with Fire and Sword: The Earl raised an Army to oppose them, but was soon defeated and put to flight, whom they pursued to the Gates of Paris. [7] That which moved these Great men to much against the Earl was, That they suspected him to have a hand in poisoning King Lewis at Abignon, of which they had accused him before the young King, and challenged him to answer it by Duel; But through the powerful influence of the Queen the Kings Mother, he would hear nothing against him. Hereupon they left the Court, and occasioned great Commotions in France, disdainful to have such a Mistress as had polluted herself with the unchaste actions both of this Earl and the Popes Legat.

The Earl of Champagne Defeated.

[7] fol. 366. n. 10
Suspected for Poisoning of King Lewis, and of too much Familiarity with the Kings Mother.

[8] Ibid. n. 10
The Irish endeavour to Extirpate the English.

While King Henry and William Marshal were busied in France, [8] the Irish thought they had a fair opportunity to rid themselves of the English, gathered a great Army under the Conduct of the King of Connaught, who ravaged and destroyed with Fire and Sword the King of Englands Country. When Gausfrid de Warisco the Kings Justiciary in those parts, heard what they had done, by the assistance of Walter de Lasci, and Richard de Burgh raised an Army, and by Stratagem defeated them; and slew 20000 of them, and took their King and kept him close Prisoner.

They are Defeated.

About

About the same time [9] Fulco Paganel, and William his Brother, Noblemen of Normandy, came to King Henry in Brittain, and swore Fealty, and did Homage to him; and also about Sixty Knights, stout and powerful Men, who persuaded him to enter Normandy with an Army, and he should not in the least doubt success. The King liked the Advice, but Hubert de Burgh the Justiciary would not suffer him to follow it, alledging the Attempt to be every way dangerous; So these Noblemen went away miserably disappointed; for the King of France forthwith seized their Castles and Estates.

[9] Ibid. n. 40.
Several Noblemen of Normandy invite King Henry into that Countrey.

He was unreasonably diverted, to their ruine.

After this, by the [1] advice of Hubert de Burgh, the King marched with his Army through Anjou into Poitou, and from thence into Gascoigne, where having received their Homages, and secured the Countrey, he returned into Poitou, and received the Homages of many persons; in this Cavalcade, he took the Castle of Mirbean.

[1] Ibid. n. 10.
The King receives the Homages of many People in Anjou, Poitou, and Gascoigne.

In the Month of * September, the King of France and his Mother met at a Parlement or Conference (Convenerunt ad Colloquium, &c.) with the Honorable and Great Men of that Kingdom, who after the death of the Kings Father had made War one upon another; in which Treaty, Peace was made upon the following Conditions, First, That the Earl of Champagne, the principal Author of this Discord, should undertake the Croisado to the Holy-Land, and there with an Hundred Knights fight against the Enemies of Christ. Secondly, That the King of France and his Mother should swear upon the Holy Gospels, That they would restore to every one their Rights, and that they would Judge all Men of that Nation according to right Custom or Law, due to every Man.

* Ibid. f. 267. n. 10.
A Parlement or Colloquium in France. Peace made between the Noblemen. The Conditions of the Peace.

In the mean time King [2] Henry with his Army lay idle at Nantes doing nothing but spend his Treasure. The Earls and Barons seeing Hubert de Burgh would not permit them to fight with their Enemies, Feasted according to the English manner, and invited one another, and Drank as if it had been Christmas; Those which were poor, having spent all their Money, Sold or Pawned their Horse and Arms: At length the King in October having provided for the defence of that Land, left 500 Knights, and 1000 Supendary Servientes, or Horsemen, under the Command of Ranulph Earl of Chester, William Marshal, and William Earl of Albemarle, shipped himself and Landed at Portsmouth on the 26th of that Month.

[2] Ibid. n. 20. 30.
The English Army lies idle in France. Spend their Money, pawn their Horſes. The King returns into England.

After the Kings departure [3] the Earl of Chester and others whom he had left the Chief Governors of his Army, made an Incurſion with the whole Army into Anjou, and took Gontier Castle, demolished it, and burnt the Town, and soon after entered Normandy in like manner, and took the Castle of Pontotun, and levelled it with the ground, and burnt the Town; they returned into Brittain with great spoils, without any loss to themselves.

[3] Ibid. n. 40.
The English make an Inroad into Anjou and Normandy.

A a z a

In

A. D. 1231.
[4] Ibid. n. 50.

A Parliament or Conference.

The King demands three Marks Scutage of every Knights Fee.

[5] fol. 168. n. 10, 20.

The Archbishop complains to the King of the Judiciary. The King asserts his Prerogative.

The Archbishop goes to Rome.

The King sends to defend his cause. Richard Earl of Cornwall marries the Countess.

[6] Ibid. n. 30.

The Welch make incursions into England. The Bishops excommunicate them.

[7] fol. 369. n. 30.

The King of France designs to invade Brittany. His Carriages, Victuals, and Warlike Engines taken.

A Truce for three years.

[8] Ibid. n. 40.

Richard Marshal offers Homage for his Brothers Estate.

In the year 1231. [4] The King at *Christmas* kept his Court at Lambeth, and on the 26th of January He met his Prelates and Great Men at Westminster, (*Convenerunt ad Colloquium apud Westminsterium Rex cum Prelatis, & aliis Dignitatibus Regni*) where the King required a *Scutage*, three Marks of every Knights Fee, of all that held Baronies of him, whether Laics or Prelates. But Richard Archbishop of Canturbury, and some Bishops opposed it, alledging that Ecclesiasticks were not to be Taxed, by, and with Laymen, for that in Transmarine Countreys, Scutage was Granted by Laics without them; However, all the rest, as well Laics and Clerks, as Prelates, readily submitted to the King's pleasure.

Soon after the Archbishop of Canturbury [5] complained to the King that Hubert the Justiciary had possessed himself of the Castle and Town of Eborac, and other Lands that belonged to the late Earl of Gloucester, deceased, for which Homage was due to the Church of Canturbury: To whom the King replied, That the above-mentioned Earl held of him in Capite, and that it was his Prerogative to dispose of the Wardships of Earls and Barons, and of their Heirs, to whom he pleased, till they should come to full Age. When the Archbishop could obtain no other Answer, He excommunicated all that had entred upon the aforesaid possessions, and also every one (except the King) that should converse with them, and then went to Rome to prosecute his Suit in that Court; The King likewise sent Roger de Canteln with some others, to plead his Cause before the Pope. This year at Easter Richard the Kings Brother Married Isabel Countess of Gloucester, Sister to William Marshal Earl of Pembroke; which William dyed immediately after that Solemnity.

This year in May the [6] Welch under their King Llewelyn made many Incursions and great Spoils upon the Borders of Wales, sparing neither Sacred Persons nor Places; when the Bishops and Prelates heard of it, they Excommunicated Llewelyn and all his Favorers, and Abettors; and the King having raised an Army to repress them, built Haud-Castle, which the Welch had formerly demolished, and placed a strong Garrison in it, to hinder their incursions: Having finished this Castle in October, he returned into England, Ibid. fol. 370. n. 30.

This year in June [7] the King of France with a great Army designed to invade Brittain; but was prevented by the Earls of Brittain and Chester, who had prepared an Ambush to intercept the Carriages of his Army, with the Victuals and Engines, which so effectually succeeded, that they took and destroyed them all. The French being thus surprized and discouraged, a Truce was agreed upon and concluded for three years, between the two Kings. On the King of France his part by the Archbishop of Rheims, and Earl of Bologne; and on the King of England's part by the Earls of Brittain, and Chester, who soon after came into [8] England with Richard Marshal, and were very honorably received by the King. Then Richard Marshal offered to do Homage to the King, and whatever else was required of him, as Peer to his Brother William Marshal deceased. To whom the King by the advice of his Justiciary

ciary gave this Answer, That He heard his * Brothers Wife was with Child, and would not determine any thing till that was certainly known; adding moreover, that He had confederated with his Enemies in France, and upon that Account commanded him to depart the Kingdom within fifteen days; and never to return again, upon pain of perpetual imprisonment. When he received this Answer from the King, he passed over into [9] Ireland, where he was kindly received, had all his Brothers Castles delivered to him, and had Homage with Fealty done him. Also Pembroke Castle, with the Honor belonging to it, was yielded to him; After this he got together a great number of Armed Men, resolving, if necessity required, to recover his Inheritance by force. The King upon this changed his Thoughts, and accepted his Homage and Fealty, and granted him all his Rights, taking only the accustomed Relief.

About this time [1] Richard Archbishop of Canturbury arrived at Rome, and in the Popes presence made the following complaints, viz. That the King was wholly guided by Hubert the Justiciary; that the Affairs of the Kingdom were transacted by his advice, without consulting his Great Men. That the Justiciary had Married his former Wives Kinswoman, and had invaded the Rights of the Church of Canturbury, and refused to restore them. That the Bishops his Suffragans neglected their Pastoral care, and had betaken themselves to Plead Lay-Causes in the Exchequer, and gave Judgments in Cases of Blood. That Beneficed Clerks, and such as were in Holy Orders, had many Churches with Care of Souls, and according to the examples of Bishops, intruded themselves upon Secular business. On the other side the Kings Messengers pleaded many things on the Kings and the Justiciars behalf, but to very little purpose; for the Pope had Commanded that the Archbishop should have his business forthwith dispatched, according as he desired. But in his return home he dyed at St. Gemma, three days journey from Rome, the 3 of August, and the whole Transaction expired with him.

In October [2] the King offered to Marry the King of Scots Sister, but the Earls and Barons, and especially the Marshal opposed it; alledging it did not become the King to Marry the Younger, when his Justiciary had married the Elder Sister. At length he was prevailed upon by the Earl of Brittain and the Marshal to desist. After this he gave to the Earl of Brittain 5000 Marks of Silver, and so he returned into his own Countrey.

The Monks of Canturbury having chosen [3] Ralph de Beill Bishop of Chichester, and Chancellor of England, Archbishop, presented him to the King on the 19th of September; The King accepted their choice, and forthwith invested him with the Manors, and other Rights belonging to the Archbishoprick. Then the Monks desired their Elect to allow them Money for their expenses in their journey, and at the Court of Rome to procure the Election to be confirmed. He replied, He thought it was Simoniack, and upon that account would not consent to allow one Farthing. However, the Monks proceeded in their journey, and petitioned the Pope to confirm their choice. But he being before informed of the Person by Si-

The King resolves to receive his Homage, and Commands him to depart the Kingdom.

[9] Ibid. n. 50. He resolves to recover his Inheritance by force.

The King accepts his Homage.

[1] fol. 370. lin. 1.

The Archbishop of Canturbury goes to Rome to complain of the King and the Justiciary.

The Pope favors him. He dies in his return home.

[2] Ibid. n. 30.

The King desired to have Married the King of Scots Sister. Is persuaded not to do it.

[3] Ibid. n. 40.

The Monks of Canturbury choose Ralph Bishop of Chichester, Arch-Bishop. The King accepts their choice.

[3.] fol. 371.
l. n. 1.

The Pope
voids the Ele-
ction.

A. D. 1232.
[5.] Ibid. f.
37. l. n. 40.
The Ki. g.
calls a Col-
loquium, or
Parliament.
D. mandates
a general Ayd.
The Earl of
Chester said
none was due
from the Bar-
ons and
Knights, be-
cause they had
served the
King in per-
son.
The Laics de-
part from the
Parlement.
The Clergy,
because ma-
ny were ab-
sent, desire
another time
to treat a-
bout the Ayd.
* See Septem-
ber 14th. of
this year.

[6.] fol. 375.
n. 10.
A. D. 1232.
Corn and Mo-
ney taken
from the Ita-
lian Clergy,
and distribu-
ted to the
Poor.

* Atlas
Twenge, the
chief Author
of that Ac-
tempt.
[7.] Ibid. n.
30.

The Pope
sends a Com-
mission to in-
quire of the
Transgres-
sors, who
were to be
Excommunic-
ated.

[8.] Ibid. n.
40. 50.
Many are ac-
cused and im-
prisoned.

man Langton, [4.] gave them this Answer, That he was an illi-
rate Man, and a Courtier, and if he were promoted to that Dignity,
he would *concur* with the King and Kingdom to shake off the Papal
Yoke that King John had put the Kingdom under. Upon this, the
Pope voided the Election, and Commanded the Monks to proceed to
a new choice, of one who would be faithful and devoted to the
English and Roman Church.

In the year 1232. King Henry [5.] kept his Christmas at Win-
chester, and upon the 7th of March He met the Great Men, as well
Prelates as Laics at Westminster (*Convenerunt ad Colloquium, apud
Westmonasterium ad vocationem Regis Dignitates Anglie tam Pre-
lati quam Laici*) to whom the King declared, That his late Expe-
dition beyond Sea, had involved him in great Debts; whereupon he
was now forced to require of every one a general Ayd. (*Unde ne-
cessitate compulsus, ab omnibus generaliter Auxilium postulavit.*) To
whom Ranulph Earl of Chester replied in the Name of the Great
Men: That the Carls, Barons, and Knights, which held of him
in Capite, had personally served him, and had been at great expence
to no purpose, whereby they were reduced to poverty, (*Unde Regi de
jure Auxilium non debebant*) and therefore of Right they ought no Ayd
to the King. And then having asked leave, all the Laics departed;
But the Prelates answered the King, That many Bishops and Abbats
who were summoned, were not yet come thither, and there-
fore desired it might be deferred, and a day appointed for all to meet
together, and consult what ought to be done in that business; which
was agreed to, and the * Fifteenth day after Easter, was appointed
for their meeting.

This year [6.] many Armed Men of good quality, with others of
less reputation, violently entered into the Barns of the Roman
Clergy that were Beneficed in England, and carried away, and large-
ly distributed their Corn, and sometimes Money among the poor.
There were about Fourscore, and sometimes fewer, that were the
Authors of this presumptuous Attempt: But William Witham,
or Robert * Thinge a Knight, was their chief Governor, to whom
they paid a ready Obedience. When these disorders had reached
the Popes Ears, He sent very severe Letters to the King, blaming
him for permitting such Rapine to be executed on Clergy-men; and
Commanding him upon pain of Excommunication, and Interdict,
to make close inquiry after the Authors of this violence, and to punish
them according to their offence, that others might be terrified from
committing the like. The Pope by his Letters Committed [7.]
Peter Bishop of Winchester, and the Abbat of St. Edmunds,
to make an Inquisition in the South of England; and in the North the
Archbishop of York, the Bishop of Durham, and John a Roman
and Canon of York, to make a strict search, and whomsoever they
found Transgressors, they should Excommunicate them, and send them
to Rome to be Absolved.

When the [8.] Inquisition was executed, and Witnesses examined
upon Oath, a great many were found, either actually guilty of the
above-mentioned Rapine, or consenting to it; there were some Bi-
shops, and some of the Kings Clerks, with some Arch-Deacons and

Deans

Deans; with many Knights and Lay-men, many High Sheriffs, their
Bayliffs, and other Ministers, were by the Kings Command taken up,
and committed to prison; others through fear fled and could not be
found. But Hubert de Burgh the Justiciary, was accused as a Trans-
gressor, for that he had Granted the Kings Letters Patents, and his
own, that they should not be hindered in their violent actions; a-
mongst others, there came to the King William Thinge, who had
caused himself to be called Robert Wither, or Witham, and
brought with him five Esquires, who were his Coadjutors, and open-
ly professed that he had plundered the Roman Clergy, to revenge the
Injury he had formerly received by the Popes Sentence, whereby, he
endeavoured by manifest fraud, to force from him the only Church
he had in his Gift; adding, he had rather for a time be unjustly Ex-
communicated, than to lose the Patronage of his Benefice without
due Judgment: Then the King and Inquisitors advised him to go to
Rome, and make out his Right before the Pope, and pray his Ab-
solution. The King gave him Testimonial Letters of his Right to
the Pope, desiring him earnestly for his sake to give the Knight Au-
dience.

The Convent of Canturbury [9.] chose John their Prior Archbi-
shop, who married at Rome in Whitsun-week, and when he had de-
livered his Letters of Election to the Pope, he commanded some Cardi-
nals to examine him; After three days Tryal, they professed before
the Pope they could find no cause of rejection. However, the Pope
looked upon him to be too Old, and Weak for so great a Trust; and
persuaded him to renounce his Election, which he did, and begged
leave to go home again. Then the Pope granted Licence (*Con-
cessa Licentia Monachis*) to the Monks of Canturbury, and Command-
ed them (*Ipsis præcepit*) to choose such an one, to whom he might
Communicate his own Burthen, and commit the Pastoral care.

This year about Whitsun-week, [1.] the Welch, under the Conduct
of Leolin, made several inroads into England, and began to burn and
plunder as they used to do. Peter Bishop of Winchester, and some
other Counsellors told the King, it was a great Scandal to his Crown,
to suffer the Welch, an inconsiderable People, thus to rob and spoil
his Subjects. To whom the King replied, That his Treasurers told
him, his Revenues would scarce afford him Meat and Cloaths, and to
satisfy the accustomed * Alms. (*Vix mihi sufficiunt ad simplicem victum,
Amittum, & Eleemosynas conductas.*) much less any thing for warlike
expeditions. They answered him, he made himself poor, by giving
away Honors, Wardships, and vacant Dignities, which ought to come
into the Exchequer, so that He only had the Name, and not the
Wealth of a King. Adding, that His Antecessors were Magnificent,
both in Glory and Wealth; and this proceeded from the great care
they took of their Revenues and Profits. The King took this Hint,
and presently called his Sheriffs and Bayliffs to an Account, and who-
ever was convicted of Fraud, was removed from his Office, and forced
to pay the whole into the Exchequer with Usury. He also removed
Ranulph Bigot, Treasurer of his Chamber, from his Office, and Fined
him 1000 l. of Silver, and by the advice of Peter Bishop of Win-
chester (whose Counsel the King in all things followed) Peter de Wy-
ballis

Hubert de
Burgh is accu-
sed.

Robert de
Twenge justifi-
fies what he
had done.

[9.] fol. 372.
n. 50. & fol.
176. l. n. 1.
The Monks of
Canturbury
chose their
Prior Arch-
Bishop.
He renounc-
eth his Ele-
ction.
The Pope
commands
the Monks to
choose ano-
ther.

[1.] Ibid. n.
20. 30.
The Welch
make inroads
into Eng-
land.
His Counsell-
ors upbraid
him for suf-
fering of it.
He pleads po-
verty.

* Note upon
the old Pipe-
Rolls there
was always
entred in dis-
charge so
much yearly
to such and
such Mona-
steries as the
Kings con-
stant Alms.
The King
calls his Of-
ficers to ac-
count,
and gets
much Money
from them.

ballis his Nephew, a Poetevin, was placed in his room; by this means the Kings *Coffers* were plentifully supplied.

[2] Ibid. n. 40. Hubert de Burgh turned out of the Office of Justiciary. He is called to an Account for what he had received. [3] f. 377. l. 1.

[4] Ibid. n. 10 and charged with other Crim. s.

[5] Ibid. n. 3. At that time to Answer until the 14th of September. He takes Sanctuary.

[6] Ibid. n. 40. Many more Crimes charged upon him.

* Ibid. n. 50. Master John &c. chosen Arch-Bishop.

[7] Ibid. A.D. 1131. A Parlement or Colloquium at Lambeth. The fortieth part of all moveables Granted to the King. [8] f. 378. n. 10, 20, 30, 40. Hubert keeps in Sanctuary, and would not Answer. * See Append. B.

About this time [2] by the advice of Peter Bishop of Winchester, Hubert de Burgh, was removed from the Office of Justiciary, although (as it was said) he had the Kings Patent for it during Life, and Stephen de Segrave placed in his Room the 29th of July. Some few days after the King being very much incensed against Hubert, required him to give an Account of all that had passed through his hands ever since he had been Justiciary, and also in the time of King John. To which Hubert Answered, [3] That he had King Johns Chart, whereby he was discharged of all Accounts, who having so often experienced his faithfulness, would not receive any Account from him. The Bishop of Winchester replied, That that Chart was not valid after King Johns Death, and did not at all bind the present King from Exacting an Account from him. To this was added, [4] That he had been guilty of several Treasonable Practices, and had given treacherous advice to the King, much to the prejudice both of King and Kingdom. To all which the King required him to answer, and stand to the Judgment of his Court. [5] Hubert seeing himself much pressed and streightened, required some time to give in his Answer, which was with difficulty obtained, and the 14th of September following was the day appointed. In the mean time he took Sanctuary in the Priors of Merton. Being now deserted of all his Friends, (but the Archbishop of Dublin) his Enemies daily increased, and many other Crimes were laid to his charge: [6] Namely, That he had procured William Earl of Salisbury, William Marshal Earl of Pembroke, Galcardus de Brent, and Richard Archbishop of Canterbury, to be Poisoned; That he had gained the Kings Affection by Sorcery and Witchcraft. Others accused him of Injustice, Extortion and Rapine. And the Londoners entered their Complaint against him for Condemning their Fellow Citizen Constantine to be hanged without Legal Process. All which Crimes were so highly aggravated before the King, That he caused it to be Proclaimed in London, that whoever had any complaint against Hubert, should come to him, and he should have Justice done him.

In Autumn Master John * Sirnamed Blund, a Cleric and Student, and Reader in Divinity in Oxford was chosen Arch-Bishop; and accepted by the King, and went to Rome for his Confirmation.

On the 14 of September, the King [7] Assembled the Bishops and other Prelates of Churches, with the Nobility of the Kingdom at Lambeth, (Convenerunt apud Lambetham, ad Colloquium in Exaltatione Sancte Crucis coram Rege Episcopi & alii Ecclesiarum Prelati, cum Proceribus Regni.) by whom the fortieth part of all moveables, of Bishops, Abbats, Priors, Clerks and Laics, was granted to the King, for the payment of the debt he Ought the Earl of Brittain. [8] Hubert the late Justiciary being now to answer, the Articles objected against him, fearing the King would put him to some shameful Death, kept in Sanctuary among the Canons of Merton, and did not appear in the Kings Court, to * plead to the Articles against him until the King should be in a more mild temper. The King in a

great

great rage sent to the Major of London to force him from thence, and bring him either dead or alive. The Londoners glad of this opportunity to revenge themselves upon Hubert, upon Ringing the Common-Bell, gathered together in great Numbers (as it was reported 20000 of of the Rabble.) But some of the more discreet Citizens, dreading the ill Consequences of such tumultuous proceedings, went to the Bishop of Winchesters House in Southwark, and desired his Advice, who told them, that whatever came of it, they must execute the Kings Precept. But Ranulph, Earl of Chester, hinted to the King, that if such tumultuous proceedings were Countenanced, such a Sedition might be raised, as would not easily be appeased, adding that it would be a great reproach to him abroad, when they heard he thus treated those that had been his Favorites: which so wrought upon the King, that he presently dispatched a Messenger, with Letters to revoke his former Precept. At this the Citizens were startled, being disappointed of their revenge, and returned into the City.

After this the [9] Arch-Bishop of Dublin prevailed with the King to grant Hubert till the Octaves of Epiphany to prepare his Answer. In the mean time he designed a visit to his Wife, who was then at St. Edmunds Bury. When the King heard of it, he sent Godfrey Traucumbe with three hundred armed men to apprehend him, and bring him Prisoner to the Tower. They found him in Essex in a small Chappel [1] with the Cross in one hand, and the Body of our Lord in the other: They wring the Cross and Body out of his hands, and without any respect to the Place, they violently drew him out, and having Fettered him, and Chained his Feet under the Horses Belly, they brought him in a most despicable manner to London, and put him into the Tower. When Roger [2] Bishop of London heard how Hubert had been treated, he hastened to the King, and very severely rebuked him for breach of the Churches Peace, and if he did not presently set him at Liberty, and send him again to the Chappel from whence he was taken, he would excommunicate all that were concerned in this violation of the Churches Peace.

The King being made sensible of the fault, sent him back again to the Chappel out of which he was taken. But at the same time sent to the Sheriffs of Hartford and Essex upon pain of hanging, to go in their own person, with all the men of both Counties (cum omnibus hominibus duorum Comitatum,) and encompass the Chappel, that Hubert might neither make his Escape, nor receive any Victuals from any one. Then the Archbishop of Dublin his only friend Supplanted the King with Tears, to know his pleasure concerning Hubert. [3] The King offered him three things, For ever to abjure the Kingdom, Perpetual Imprisonment, or openly to own himself a Traytor. But Hubert would choose neither of them, being conscious to himself, that he had done nothing to deserve so great Confusion. Yet to satisfy the King, he would be content to go out of the Kingdom for some time, but would not abjure. But rather then be starved, he [4] yielded himself to the Sheriffs above mentioned, who brought him up to London, Fettered and Chained, and delivered him Prisoner to the Tower there.

The King sends the Major of London to fetch him dead or alive. The Discreet Citizens feared the Consequences of the gathering together of the Rabble. Ranulph Earl of Chester persuades the King to Revoke his Orders to the Major of London.

[9] Ibid. n. 50. Hubert had time given him to put in his Answer. [1] f. 379. n. 10. He is drawn out of Sanctuary.

[2] Ibid. n. 30, 40. The Bishop of London rebuked the King for taking Hubert out of Sanctuary.

He is sent back into Sanctuary. The Sheriffs of Hartford and Essex, to keep him, from elcaping and from Victuals. [3] f. 380. l. 1. He reluceth to abjure.

[4] Ibid. n. 10. He yields himself to the Sheriffs, is carried Prisoner to the Tower.

About

The Fortieth
part with the
form of col-
lecting it.
* n. 151.

About this time was Collected the fortieth part lately granted to the King in the Parliament at Lambeth. The form of the Commission to the Sheriffs of the several Counties, and the manner how it was to be Levied and Collected, is noted in the * Appendix; and the Commission to the Collectors is to be found in Mat. Paris f. 380. n. 30.

[5] fol. 381.
n. 10, 20, 30,
40.

A. D. 1232.
The King was
informed Hu-
bert had great
Treasure in
the Temple,
he sends for
it.

and receives
the Keys of
the place
where it was.

The King moved to com-
pulsion to-
ward him.
* It was John
Earl of Lin-
coln, accord-
ing to the
Record,
He is prisoner
in the Castle
of Divise, under
the keeping of
four Sureties.

* Append. n.
152.

* See before
for this Mat-
ter.

About [5] the Feast of St. Martin following (*Instanti Feste Beati Martini*) The King was informed, that Hubert had much Treasure lodged with the Templars; whereupon the King sent for the Master of the New Temple to know the Truth of it, who acknowledged the Money, but could not tell the Summ, but refused to deliver it, unless authorized by Hubert. Then the King sent the Treasurer with the Justices of the Exchequer to Hubert, who in the Kings Name Demanded of him all the Treasure he had lodged with the Templars. Hubert Replied he would readily submit himself, and all that he had to the Kings pleasure, and presently authorized the Templars to deliver all the Keys of his Treasure to the King; which when he had received, he Commanded an Inventory to be made and delivered to him, and all the money to be paid into his Exchequer. * When his Enemies saw his Great Treasure, they accused him to the King of theft and fraud, urging he deserved a shameful Death. To whom the King seriously replied, That Hubert had faithfully served his Uncle Richard and his Father (as he had heard) and if he had been otherwise to him, he should never be put to Death; for he had rather appear too Easy than too cruel to him, who had so often preserved both his Predecessors and himself in great danger. The King now softened into compassion, granted to him all the Lands his Father had given him, and those he had Purchased for his present support; and soon after Richard the Kings Brother, William Earl of Warren, Richard Earl of Hereford, William * Earl of Ferrars, became Sureties for him. He remained in the Castle of Divise, under the Custody of four of their Knights, and made Lawrence a Cleric of St. Albans, Steward of the Lands Granted him, who had been a faithful friend and great comfort to him in all his Afflictions.

The Substance of this Composition or Judgment, is to be found upon Record, though it doth not well agree with the exact Circumstances of time, and the Crimes objected in every Particular during this Transaction hitherto. The * Record says That the Pope wrote to King Henry, To correct the Injuries Hubert de Burgh had done to the Roman Church, and the * Italian Clerics here in England, and That thereupon the King sent to Arrest his Body, and bring him to Answer before him, for that very thing Especially. Hubert having notice of this, fled into a Chappel, and those that followed him, though they had no order to do it, took him out of the Chappel and carried him to London: when the King heard of this, being Desirous to maintain the Liberty of the Church, Commanded him to be carried back to the same Chappel; in which when he had staid many days, he was asked whether he would remain in the Chappel, or go out, and stand Tryal in the Kings Court, concerning the same Injury and others, which should there be objected against him by the King, and many others, who many ways complained of him. At length he voluntarily

tarly chose to come out, and stand to Law; yet he begged the Kings Mercy, and so went out, and the Kings Officers that were there present, received him, carried him to London, and delivered him to the Constable of the Tower. The King not satisfied, sent Stephan de Segrave, then Justiciary, John de Lasey Earl of Lincoln, Brian de Lisle and others, to know whether he was forced, or went out voluntarily; He answered he went out freely, and not for want of Victuals, or any other thing, and that he was ashamed he had staid there so long. Then the King Commanded he should be out of the custody of the Constable of the Tower, that he might come freely to his Court; and so he came to Cornhill in London upon the Eve of St. Martin, and appeared before Richard Earl of Cornwall, William Earl of Warren, Richard Marshal Earl of Pembroke, John Earl of Lincoln, Stephan Segrave Justiciary, Ralph Fitz-Nicholas, and others the Kings Tenents or Feudatories there being; where when he was accused, he would make no defence, nor undergo the Sentence of the Court; but submitted himself to the Kings pleasure concerning his Body, Lands, and Goods. The King at the instance of the Great Men, and the Petition of Hubert and his Friends and Relations, and by the permission of those that accused him, Respited the Judgment, notwithstanding it was drawn up in Court, and voluntarily Granted him these Terms; That having delivered to the King, all the Lands, Tenements, and Liberties, which he held of him in Capite, and of King John his Father, and all Writings and Instruments that concerned them, Then he should have and retain the Lands and Tenements which descended to him from his Antecessors, and all the Lands and Tenements he held of others, then the King; yet so as he should answer to all his other Accusers, according to the Custom of the Kingdom, and all his Chattels wheresoever they were, as well Gold, Silver, Money, or other Goods, and his Body to remain at the Castle of Divise, in the custody of Richard Earl of Cornwall, William Earl of Warren, Richard Marshal Earl of Pembroke, and John Earl of Lincoln, until he was delivered by the Commune Council of the King, and of all the foresaid Barons his Keepers, and of all the Great Men of the Land. And if he should by any ways or means Break, or endeavour to Break Prison, then the Judgment was to take effect; and wheresoever, or by whomsoever he should be found, he was to be used as an Out-law.

E Toward the latter end of this year in December, Lewelin * Granted, and promised to stand to the determination of Ralph Bishop of Chichester, and Chancellor, Alexander Bishop of Litchfield and Coventry, Richard Marshal Earl of Pembroke, John de Lasey Earl of Lincoln, and Constable of Chester, Stephan de Segrave Justiciary of England, and Ralph Fitz-Nicholas the Kings Steward; together with Jocelyn Lewelin's Steward, Werenoc his Brother, Iwan Vachan, and David a Cleric, concerning Amends to be made for the excesses on both sides, for the restitution of Lands and Possessions, and what Money was to be paid for Damages done.

In the year 1233. King Henry at Christmas [6] kept his Court at Worcester, where by the advice of Peter Bishop of Winchester (as it was reported) he removed all Bishops, Earls, Barons, and Noblemen from his Council, and would trust no one, but the aforesaid Bishop

* Append. n.
153.

[6] fol. 384.
n. 20, 30, 40.
A. D. 1233.
The English
Nobility re-
moved from
the Kings
Councils.

B b b b

Bishop

Poictovins and Britains called into England. The Wardships of the Nobility committed to them. The English complain of it in vain.

[7] Ibid. n. 50. Richard Earl Marshal speaks boldly to the King. Concern in the Poictovins.

The Bishop of Winchester answers to him. [8] fol. 385. lin. 2.

[9] Ibid. n. 40. The Pope voids the Election of John Blund to the Archbishopric of Canterbury. [1] fol. 386. n. 10. The Earls and Barons refuse to obey the Kings Summons. [2] Ibid. n. 30. They pretend Fear of Strangers that were insensibly landed in the Nation.

Their Insolent Message to the King.

Bishop, and **Peter de Rivallis** his Kinsman: So that the management of all publick Affairs was committed to them. The **Poictovins** and **Britains** were now invited into **England**, and there came over 2000 Knights and Servants, who were placed in several Castles in Garrison, to whom the easy King committed the **Wardships** of the **Nobility**, which afterwards much degenerated, through the ignoble Marriages with Forreigners. And when any Englishman complained of their burthens, and oppression, to the King, they were hindered of remedy, through the powerful influence of the **Bishop of Winchester**.

* When [7] **Richard Earl Marshal** saw both the Noble and Ignoble oppressed, and the Laws of the Kingdom laid aside, He, as a lover of Justice, with some other **Great Men** (*Associatis sibi quibusdam Magnatibus*) went boldly to the King and told him publicly, that by pernicious Counsels he called in **Poictovins** and **Strangers**, to the great oppression of his Natural Men, and violation of their Laws and Liberties. Wherefore they humbly supplicated him to correct these disorders in the Government; otherwise both He and the rest of the **Great Men** would withdraw themselves from his Counsels, so long as he made use of **Forreigners**. To whom the **Bishop of Winchester** replied, *That the King might call whatsoever Strangers he pleased for the defense of his Kingdom and Crown, and also such, and so many, as might reduce his proud and rebellious Subjects to due Obedience.* When the **Marshal** and the rest heard this Answer, [8] they retired from Court, promising faithfully to stand by one another in that cause, (*usq; ad divisionem corporis & animæ*) to the very parting of Body and Soul.

The last year in **Autumn** [9] **John Blundus** a Student in Divinity at **Oxford** was elected **Archbishop of Canterbury**, and this year about the beginning of **April** the Pope voided his Election, because he had given 1000 Marks of Silver to the **Bishop of Winchester**, for his promotion to the **Archbishoprick**.

Soon after [1] the King summoned all the **Earls** and **Barons** of the Kingdom to meet him at **Oxford** on the Feast of **St. John Baptist**, but they refused to obey his Summons, both because they feared and hated the Forreigners which were placed about him. Then he was advised to send out a Second, and Third Summons, to try whether they would come or not, to **Westminster**, on the 11th of **July**, [2] and promised by their Counsel to reform whatever was amiss; But when the **Great Men** heard, that upon the Kings invitation, many Strangers in small numbers with Horse and Arms were landed in **England** (*Paulatim applicuerunt in Regnum*) and seeing not the least prospect of accommodation, they laid aside all thoughts of meeting the King on the day appointed, and by Solemn Messengers declared unto him, *That unless, forthwith the Bishop of Winchester and the Poictovins were removed from his Court, they would by the Common Counsel of the Kingdom, force both him and his evil Counsellors out of the Realm, and would Treat about creating a new King.* Ipsi omnes de **common Consilio** totius Regni, ipsum cum iniquis Consiliariis suis a Regno depellerent, & de novo Rege creando contrectarent.

The

The [3] King and the Court being startled at this Message, He was advised by the **Bishop of Winchester** to reduce his rebellious Subjects by force, and dispose of their Castles and Lands to the **Poictovins**, who would defend the Kingdom of **England** from his Traytors (*Qui Regnum Anelia a suis proditoribus tuerentur.*) The First that fell under the Kings displeasure was **Gilbert Basset** a Nobleman, who applying himself to the King for a Manner he had taken from him, was called Traytor, and threatned, if he did not depart the Court he should be hanged. The next was **Richard Sward** a Knight, who had Married **Gilberts** Sister or Neice. The King commanded him to be apprehended and brought before him; and from every Noble or powerful Man, he suspected, He required pledges for their Fidelity, and by his Letters ordered them to be presented to him before the beginning of **August**.

On the First of **August** the [4] **Earls** and **Barons** came with a great number of Armed Men (*In magno Militia apparatu*) to **London** to a Conference or Parlement (*Ad Colloquium*) according to the day prefixed. But **Richard Earl Marshal** having received advice from his Sister **Mabel**, Wife to the **Earl of Cornwall** the Kings Brother at whose House he lodged in **London**, that snares were laid for him, retired into **Wales**. But the **Earls of Chester, Lincoln, Ferrars,** and **Earl Richard** the Kings Brother, with many other **Earls** and **Barons** came thither, but nothing was done, because **Earl Marshal** and **Gilbert Basset** were absent. Then the King, by the advice of the **Bishop of Winchester**, and **Stephan Segrave** [5] summoned all that ought him *Military Service*, to come to **Winchester** on the Sunday before the Assumption of the Blessed Virgin (that is the 15th. of **August**) with Horse and Arms. But **Richard Marshal** and others who were confederated with him, refused to come. Upon this the King, as if they had been Traytors, burnt their Towns, destroyed their Parks and Warrens, and besieged their Castles; and without judgement of his Court, or their own Peers, proscribed them, and disposed of their Lands to the **Poictovins**, and commanded their Bodies should be taken where ever they were found in the Kingdom.

The [6] **Bishop of Winchester** by 1000 Marks gained the **Earls of Chester** and **Lincoln** to the King; he; the **Earl of Cornwall** had before left the **Marshal**, and returned to his Brother. When the **Marshal** saw himself deserted by the aforesaid **Earls**, he entred into a Confederacy with **Leolin Prince of Wales**, and other chief Men of that Country, and entred into an Oath to make no Peace but by general consent. Then the King [7] defied him by the **Bishop of St. Davids**, and commanded his Army to March against him, and besiege his Castles, one of which was so well defended, that the King feared he should be baffled, and with disgrace forced to raise the Siege; whereupon he sent some **Bishops** to the **Earl**, to offer him, that if he would surrender the Castle to the King, it should be restored entirely again within Fifteen days to him, and he would correct what was amiss in his Kingdom by the Counsel of his **Bishops**, who should be his Sureties; Upon these Conditions the Castle was delivered to him; and the day appointed for the doing of these things was the Sunday next after **Michaelsmas**-day.

B b b b 2

When

[4] Ibid. n. 40. The Bishop of Winchester advice to the King.

[4] fol. 387. lin. 2. The Earls and Barons come Armed to London. The Earl Marshal retired into Wales.

[5] Ibid. n. 10. The King summoned all that ought him Military Service to meet him at Gloucester. Upon their refusal they are proscribed and Treason as Traytors.

[6] Ibid. n. 30. Several of the Nobility deserted the Marshal.

He confederated with Leolin Prince of Wales.

[7] fol. 388. lin. 1.

The King besieged one of the Marshalls Castles, but without success. It is delivered upon condition to be restored in Fifteen days.

[8] Ibid. n. 10.
The Marechal demands restitution of his Castle. The Kings Answer.

[9] fol. 389. lin. 1.
The Great Men and Preaching Fryars supplicate the King to be reconciled to his Nobility.

[1] Ibid. n. 10.
The Bishop of Winchester Reply.
The Bishops threatened to Excommunicate him and the rest of the Kings Counsellors.
He lighted their Threats and appealed to the Pope.

[3] Ibid. n. 30.
The King commanded the Bishops to Excommunicate the Marechal, but they refused.

[3] Ibid. n. 40.

The Kings Army defeated by the Marechals policy.

[4] f. 390. l. a.

When the [8] Fifteen days were expired, the *Marechal* according to agreement, and Oath, expected the restitution of the Castle, and sent to the King to demand it, but the King answered he would not restore it, but would endeavour to subdue his other Castles. The *Marechal* seeing neither Promises nor Oaths were observed by the Kings Counsellors, besieged the Castle, and without difficulty gained it.

On the 9th of October, [9] the Great men met the King at Westminster to reform what was amiss in the Kingdom according to appointment, who humbly supplicated him to be reconciled to his Barons and Nobles; also the Preaching Fryars and Minors, (whom the King much revered) exhorted him to extend his affection to his Native Subjects, and not to Banish, Spoil, and destroy them without Legal Process, and not to call them Traytors who endeavoured the Peace, and by whose Counsels the Management of the Affairs of the Kingdom ought to be directed. To this the Bishop of Winchester replied, 1. That there were no such Peers in England, as in France, and therefore it was lawful for the King of England by the Justices he appointed, to Banish any guilty persons out of the Kingdom, and by Judgment to condemn them. When the Bishops heard this, they unanimously Threatned by name to Excommunicate all the Kings principal Counsellors. In the top of the list stood Peter Bishop Winchester, Peter de Rivallis, Stephen Segrave Justiciary, and Robert Passelew Treasurer. The Bishop of Winchester alledged for himself, That he was Consecrated Bishop by the Pope, and was thereby exempt from their Authority; and to prevent the Sentence, appealed to the Pope. Then the Bishops Excommunicated all those who alienated the Kings mind from his Natural Subjects, and all those that disturbed the Peace of the Kingdom.

When in that Conference by an express the King was certified the *Marechal* [2] had retaken his Castle, he was much troubled, and Commanded all the Bishops to Excommunicate him; but they utterly refused it, because (as they said) he did thereby only recover what was his Right. Then the King Summoned all that ought him Military Service, to meet at Gloucester with Horse and Arms the Day after All Saints.

The [3] King having gathered together a great Army at Gloucester, Marched towards Wales, but the *Marechal* had before destroyed all the Forage, so that in a short time, through want of Provision, the King was forced to retire with his Army to the Castle of Glosmund; when the *Marechal* by his spies understood that the King lodged within the Castle, and the greatest part of his Army Quartered without in Tents, he came by Night and entered the Camp, and put the whole Army into such disorder, that they immediately fled, and left 500 Horses and all their Baggage for a Prey to the *Marechal*, who would not suffer any of the Kings Soldiers either to be taken or hurt, so that only two of the whole Army (and they through their own indiscretion) fell by the Sword. The King seeing himself left alone, and encompassed with Enemies, placed his Ravaging Poitouvins [4] (*Raptorios Poitouvenses*) in his Castles

Castles to hinder the Incurfions of the Welch, under the Command of John de Donmour, and Radulph de Coeny, and returned to Gloucester.

Then the *Marechal* [5] Marched towards Donmour, which was Fortified and defended by Baldwin de Gylnea, with his Poitouvins and Flemmings, to whom the King had committed the Town; who seeing the *Marechal* viewing the Castle with some few Soldiers, by Ambush almost surprised him; and he had been taken Prisoner, had not his own Valour, and the Bravery of some that were with him, rescued him out of their hands; in this Skirmish, Baldwin was so desperately wounded, that he was taken up half Dead, which made them to leave the *Marechal* and retire with their Captain into the Town. When the rest of the Army [6] heard what had befallen their General, they came with great fury, and revenged themselves upon the Strangers, killing and taking Captive most of those that came out of the Town.

Hubert de Burgh [7] being prisoner in the Castle of Dives in Wiltshire, had notice from a friend at Court, That the Bishop of Winchester his great Enemy, had earnestly desired of the King the custody of that Castle; that so (as it was said) he might have an opportunity to dispatch him. Upon this Information Hubert, by the assistance of two Servants that waited on him, made his escape on Michaelmas-Eve out of the Castle, and got into the Parish Church: So soon as it was known he was gone out of the Castle, many of the Garrison went out with Lanterns, Clubs, and Arms, to seek him. They found him in the Church before the Altar, with a Cross in his Hand; they beat and banged him, driving him and the two that helped him to make his escape, into the Castle, and put him under a strict Guard.

When the Bishop of Salisbury heard what was done, he went to the Castle, and Commanded those that had violated the privilege of the Church, that they should carry him back, and leave him in the same state they found him. They told the Bishop, they had rather Hubert should be hanged then themselves; Whereupon he Excommunicated all by Name that refused to do what he bade them, and with the Bishop of London and other Bishops obtained his liberty of the King, and he was sent back to the Church (*Decimo quinto Calendarii Novembris*) That is, on the 15th of October. * The King upon this being very angry, ordered the Sheriff of the County so to guard the Church, as he might be starved for want of Victuals.

* It is certain Hubert made his escape, and as certain he was sent back to the Church before the 18th of October: For on the 15th of that Month the King [8] Letter to the Good Men of Wiltshire, to let them know he had sent Ralph de Bray and Ralph de Marwich his Justices, to receive the Abjuration of the Kingdom from Hubert de Burgh, if he would not come out of the Church, and stand to the Law, in the Kings Court; or to do him Justice in the Kings Court if he would come out of the Church and answer there, as he had agreed to do. But if he would do neither, the Wiltshire

[5] fol. 399. n. 10.
The Marechal surprised by ambush, and difficultly escaped.

[6] Ibid. n. 30.

[7] fol. 389. n. 10, 10, 30.

Hubert de Burgh endeavoured his escape, but without success.

How he was Treated by the Soldiers.

The Bishop of Salisbury Excommunicated them for violating the Churches privilege.

* Ibid. n. 40.

[8] Append. n. 354.

Wiltshire Men were commanded diligently to guard the Church and Churchyard, as the Justices should direct.

[9] *Parls. f. 389. n. 30.*
11th escaped into *Wales* habited like a Soldier.

On the 30th of the same Month *Purter* by the [9] assistance of his Armed Friends, was taken out of the Church by force, and having been by them Armed like a Soldier made his escape in that disguise into *Wales*, and joyned himself to the Kings Enemies.

[1] *f. 393. n. 4.*
A. D. 1234.

In the year 1234. the King kept [1] his Christmas at Gloucester, with a very small Court, because many of the Great Men that suffered so much at the Castle of *Grosmund*, were retired, and could make no appearance.

[1] *Ibid. n. 50.*
The *Mareschal* defeats *John* of *Monmouth*.

On the day after Christmas-day [2] *John de Monmouth* having gathered together a great number of Soldiers, designed privily to attack the *Mareschal*, but being Countertricked by the *Mareschal*s Policy, he was defeated, and a great number of his Soldiers slain, and he narrowly escaped. [3] Then the *Mareschal*, and those that were confederated with him, ravaged, spoiled and burnt the Lands, Goods and Houses of the Kings principal Counsellors, so that nothing escaped them, from the borders of *Wales* to *Shrewsbury*, which they also burnt; And all the time King *Henry* remained with the Bishop of *Winchester* at Gloucester, not having sufficient force either to oppose, or repress these Devastations. From whence he went to *Winchester*, and left those Countreys to his Enemies. The Bishops urged the King to make peace with the *Mareschal*, he refused, unless he would acknowledge himself a Traitor, with a Halter about his Neck.

[3] *fol. 394. n. 10. 20.*
And spoiled the Estates and Goods of the Kings principal Counsellors.

The Bishops urge the King to make peace with the *Mareschal*, but he refused.

[4] *Ibid. n. 40. 50.*

When the King's [4] Counsellors saw their Houses burnt, their Fields destroyed, and their Friends the *Poithovins* in great numbers slain, and themselves without remedy; They studied to ruin the *Mareschal* by Treachery, whom they could not conquer by force, which they compassed by this means. They composed and wrote Letters in the Kings Name without his privy, Sealed with and Eleven of their own Seals, and directed them to *Maurice Fitz Gerold*, the Kings *Justiciary* in *Ireland*, to *Walter* and *Hugo de Latre*, *Richard de Burgh* and *Geofrey Barch*, and to several others (*Juratos Marescalli Domines*) the *Mareschal*s sworn Men, shewing, that although the *Mareschal* was proclaimed a Traitor, and by the Judgment of the Kings Court Proscribed, and Devoided of his Paternal Inheritance, yet he ceased not to pursue the King with his wonted Malice; wherefore they willed them as the Kings faithful Subjects, to use their utmost endeavors, when ever the *Mareschal* should come thither, to take him alive or dead, and present him to the King, which if they carefully performed, all his Inheritance and Possessions in *Ireland* should be divided among them, for which they had the Kings promise, and they would become Sureties for the performance of it.

The Kings Counsellors contrive the *Mareschal*s destruction.

Their Propositions to the Irish.

[5] *fol. 355. n. 20.*

When the [5] Irish heard the tenor of these Letters, they sent private Messengers to the Counsellors with Letters, assuring them That if they could be secured by the Kings Charter, of what was promised, they would undertake to effect what was desired; Then the Counsellors

fellows stole the Seal from *Ralph Bishop* of *Chichester* the Chancellor, and Sealed a Charter without his knowledge, by which all the Rights and Possessions of the *Mareschal*, were to be divided among them; and dispatcht a Messenger with it to the above-named Irish Great Men, who no sooner received it, but they confederated, and resolved the destruction of the *Mareschal*. Then they raised a great Army, and entred his Lands, took his Castles and plundered them, that they might provoke him to come over into *Ireland*.

On Candlemas-day [6] the King came to a Conference (*Rex venit ad Colloquium*) at *Westminster*, wherein the King severely rebuked *Alexander Bishop* of *Exeter*, and some other Bishops, for having too much correspondence with the *Earl Mareschal*, and for endeavouring to dethrown him. The Bishop in a great heat Excommunicated all those that suggested such things to the King. [7] *Edmund the Elect* of *Canterbury* was present at this Conference, who with many Bishops of that Province went to the King, and represented to him the miserable state both He and the Kingdom was brought into, by his following the Counsels of *Peter Bishop* of *Winchester*, (upon whose Advice and Counsels, they charged all the Events, Wars, and Calamities that happened to King *John*, and the Nation in his time, and also what had happened in this Kings time) and *Peter de Rivalis*, and their Accomplishers: [8] Adding, That if he did not very suddenly remove from his Court such Counsellors, and receive his Native and Liege Subjects to his Counsels, and management of the Affairs of the Realm, as is the custome of other Nations, they must proceed to Ecclesiastical Censures against all Gain-sayers. The King answered, He could not Reform his Council, until he had taken their Accounts, and desired a small Respite. So the Colloquium or Conference was dissolved, and every one went away satisfied, and full of hopes of a speedy accommodation.

On the Second of April [9] *Edmund* was Consecrated Archbishop of *Canterbury*, the King being present.

On the 9th of April, the [1] King, the Earls and Barons, the new consecrated Archbishop with his Suffragans, and other Prelates, met at a Conference (*ad colloquium conveniunt*) at *Westminster*, wherein he promised to be directed by their Counsels; and some few days after he commanded the Bishop of *Winchester* to retire to his Bishopric, and mind the care of Souls, and not concern himself any further in the Affairs of the Kingdom. He likewise commanded *Peter de Rivalis* to give up his Accounts, and yield up his Castles and depart the Court, assuring him upon his Oath, if he were not a Beneficed Cleric, he would cause his Eyes to be bored out. He also discharged the *Poithovins* from his Service, both in his Court and Garrisons, commanding them to go into their own Countrey and never see his Face more. Thus having purged his Court, and removed his evil Counsellors, and cleared his Kingdom of Strangers, he submitted himself to the Advice and Counsels of the Archbishop and Bishops, by whom he hoped to reduce his unfetled Kingdom to a prosperous condition.

After

[6] *Ibid. n. 40.*

The King rebuked some Bishops, for corresponding with his *Mareschal*.

[7] *Ibid. n. 50.*

The Bishops advise the King to remove *Peter de Rivalis* from his Council.

His Answer.

[9] *f. 397. n. 4.*
A. D. 1234.

[1] *fol. 397. n. 10. 20.*
He proceeds to reform his Court and Council.

[1.] Append.
N. 155.[2.] n. 40.
The Mar-
shal passeth
over into
Ireland to se-
cure his
Lands and
Castles.[4.] Ibid. n.
50.He reduced
the Irish to
his Obedi-
ence.He treache-
rously betray-
ed, and de-
spicably
wounded.[5.] fol. 400.
lin. 4.[6.] fol. 403.
n. 10.The King la-
ments his
death.[7.] Ibid. n.
30.He inviteth
the prohi-
bited Nobles
to an ac-
commodati-
on.[8.] Ibid. n.
40.

A. D. 1134.

[9.] Ibid. n.
50.[1.] fol. 404.
n. 10, 20.They accept
the Offer, and
are recon-
ciled to the
King.[3.] Append.
N. 155.Several of
them recei-
ved into his
Council.[3.] Ibid. n.
156.A Truce made
between the
King and
Lewelin
Prince of
Wales.

After this he sent [2] Edmund the Archbishop of Canturbury with the Bishops of Chester and Rochester, to Lewelin Prince of Wales, and Richard Earl Marechal, to Treat about Peace. [3.] But the Marechal receiving notice of the spoils and rapine that was committed upon his Lands and Castles in Ireland; and seeing the King was gone Southward, and had left his design against Wales, took with him only fifteen Knights, and passed over Sea, and as soon as he landed, Geoffrey Barth, with the other Great Men that were confederated against him, came to him, and advised him to reduce his Enemies by force, and he might thereby easily bring all Ireland to his Obedience. [4.] The Marechal fearing the innate Treachery of the Irish, was not willing to close with the Advice given. But Geoffrey having at first reproached him for his cowardise, and telling him of, and urging his Right by lineal Descent from Strongbowe, that had conquered Ireland, and then giving him full assurance of their Assistance and Fidelity; He raised a great Army, and proceeded with such success, that no one durst withstand him; He took the City of Limerick, and the Kings Castles, as well as those of his Enemies. The Irish let him know by certain Templars sent to him, That he acted traitorously against his Prince in Ireland, as he had done in England, and by Geoffrey Barth or de Warisco his contrivance, was desperately wounded in Fight, and taken prisoner, where after some days continuance, he dyed of his wounds. [6.] When the King received the news of his death, he much lamented the loss of so great a Soldier, affirming he had not left his [7] equal in the Kingdom.

The Archbishops and Bishops returned from Lewelin to the King at Gloucester, and informed him; That before any Treaty, he desired the Noblemen that were confederated with him, might be received into Favor: Then the King sent out his [8] Letters to all those that were proscribed, to meet at Gloucester on the 29th of May, to be reconciled unto their King, and to be restored to their Inheritances; The Archbishop and Bishops promising them safe Conduct. [9.] The first that came to the Kings Peace was Hubert de Burgh, late Justiciary of England, and Earl of Kent, whom the King received with Kisses and Embraces. [1.] After him came Gilbert Basset, and Richard Sward, with many others, who were proscribed with them, and were all received with the Kiss of Peace, and reconciled to the King, and had all their Rights and Inheritances restored, of which their Reconciliation [2.] and Restoration he gave Lewelin speedy notice; and also at the Intercession of the Archbishop, He Granted to Gilbert Brother to Richard Earl Marechal, late deceased, all his Inheritance both in England and Ireland, and received his Homage; And on Whitsunday following at Gloucester He Knighted him, and gave him the Marechals Staff of his Court, and received Hubert de Burgh, Gilbert Basset, and Richard Sward into his Councils.

The Archbishop and Bishops that were sent to Treat with Lewelin, made a [3] Truce for two years, from the Feast of St. James, or 25th of August following, upon these conditions, That all injuries done on both sides since the last Truce, should be referred to those made

made it: That all Lands taken from any one in the late War, should be restored; That all Men and Tenents that had receded from the Fealty of their Lords, and adhered to the contrary party, might return again without damage, or being questioned for it; Of this Truce he gave notice to his Brother Richard Earl of Cornwall, and Ralph de Cony, that they might be taken into it, if they would, for their Lands in the Marches.

A At the same meeting the Arch-Bishop, produced a Copy [4] of that Treacherous Letter that was sent into Ireland against Richard Earl Marechal; And the King, before the whole Assembly of the Bishops, Earls, and Barons, protested, that through the importunity of the Bishop of Winchester, Peter de Rivallis, and other Counsellors, he consented his Seal should be put to those Letters; but assured them upon his Oath he never saw the Tenor of them: B Then the King summoned the Bishop of Winchester, Peter de Rivallis, Stephan Segrave, and Robert Passelew, to appear on the Feast of St. John Baptist, to give up their Accounts, and to answer to such Crimes as should be objected against them; and stand to the Law. But being conscious of their own wickedness, and not daring to stand a Tryal, some took Sanctuary in Cathedral or Conventual Churches, and others fled, as was believed, but hid themselves in the New Temple.

C Then the King [5] at the request of the Arch-Bishop promised them safe Conduct, and appointed the 14th of July for them to appear at Westminster, to answer to the Articles against them. Peter de Rivallis was the first that appeared in a Clercs Habit, and saluted the King sitting upon the Bench with his Justices, who as soon as he saw him, called him Traytor, and accused him for giving him pernicious Counsel, and required him to give an account of his D Treasurership, the Wardships of young Noblemen and Women, and Escheats, and other Profits of the Crown, and then told him he would commit him to the Tower. He said he was a Priest and ought not to be imprisoned, or be in the custody of Lay-men. The King told him he had hitherto behaved himself as a Lay-man, and as such he exacted what was committed to him; yet said, the Arch-Bishop was present, and if he would undertake for him he should be delivered to him. He was silent, and the King sent him to the Tower, and seized all his Lay-possessions, because under his Clercs Habit he had a Coat of May, and a Knights Falchion at his Girdle, which did not become a Clerc; he remained there only two days, and then was taken out by the Arch-Bishop, carried to Winchester, and put into the Cathedral.

F The same [6] day appeared Stephan Segrave before the King; He called him Traytor, and added, that it was by his wicked Counsel, Hubert Earl of Kent was removed from the Office of Justiciary, and imprisoned; And that many of the Nobility were proscribed: He required him also to give an Account of his Justiciarship; and by the Mediation of the Arch-Bishop and Bishops, gave him time till Michaelmas following to prepare for it: Then the King named Hugo de Pateshulle a Clerc, his Justiciary, Son of Simon de Pateshulle, who had formerly managed that Office with great integrity.

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This

[4.] n. 30,
40.The treache-
rous design
against the
Life of Ri-
chard Earl
Marechal dis-
covered.
The King
summoned
his old Coun-
sellors to give
up their Ac-
counts, and to
stand to the
Law.[5.] fol. 405.
n. 10, 20, 30.
Peter de Ri-
vallis severely
rebuked and
threatened by
the King.He is commit-
ted to the
Tower.But taken out
by the Arch-
Bishop.[6.] Ibid. n.
40.
Stephan Se-
grave called to
an Account.Hugo de Pat-
eshulle, named
Justiciary.

[7] fol. 406.
The King
sendeth Aid
to the Earl of
Brittain.

Their success
against the
French.
The King of
France re-
solves to in-
vade Brittain.

King Henry
refused to as-
sist the Earl
of Brittain
any longer.

[8] Ibid. n.
40.
Brittain sur-
rendered to
the French.

[9] Ibid. n.
50.
The Earl of
Brittain turns
Pyrate.

[1] fol. 409.
n. 40.
A. D. 1235.
[2] Ibid. n.
50.

[3] fol. 410.
n. 50.
Peter Bishop
of Winchester
goeth to Rome
to assist the
Pope in his
Wars.

[4] fol. 414.
n. 40.
Isabel the
Kings Sister
Married to
the Emperor.
[5] fol. 417.
n. 30.
Her Portion
5000 Marks.

This year about the Feast of St. John Baptist, The [7] Truce between the Kings of England and France expiring, King Henry sent over to the Earl of Brittain Sixty Knights, and 2000 Welch, to enable him to strengthen the weak places of his Dominions, because the King of France had raised a great Army, and had actually besieged one of the Earl of Brittain's Castles, but was soon defeated by the English Forces, and many of the French were slain, and all their Baggage was taken; which so fretted the King of France, that he gathered together what Forces he could, and was resolved to invade Brittain. This affrighted the Earl so much, that he desired a Truce till All-Saints following, which was granted upon delivery of three Castles, and upon condition, that if in that time the King of England came not personally to his Relief, he should deliver all Brittain, and his Castles there to the King of France. In the mean time he sent to the King of England to know whether he would come over in person to his assistance. If not, He would deliver up all Brittain to the King of France. King Henry answered, the Revenues of his Crown were not sufficient for the Defence of that Countrey, as he found by the three last years expences, and was wearied in being at so great charge to so little purpose. When the Earl had received this Answer, he went directly to the King of France with a Rope about his Neck, and [8] acknowledged himself a Traytor, and then surrendered to him all Brittain, with the Towns and Castles. The King of France told him he was a most wicked Traytor, and accordingly deserved a most shameful death, yet he would grant him Life, and Brittain to his Son as long as he lived, and after his death it should be annexed to the Crown of France.

When King Henry heard what he had done, [9] He seized on all Rights and Honors that belonged to him in England. This miserable Earl being thus spoiled of all his Honors and Revenues, betook himself to the Seas, and became an execrable Pyrate.

In the year 1235. King Henry at Christmas kept his Court at Westminster, with very many Bishops [1] and great Men of the Kingdom. About Candlemas [2] Stephen Segrave and Robert Paulew paid each 1000 Marks, but were not received into the Kings former Favour, as they expected.

About Easter following, Peter [3] Bishop of Winchester, at the Popes command went to Rome, to assist him in his Wars against the Citizens of Rome, (between whom and the Pope there was a very great difference) The Pope well knew the Bishop was very rich, and also experienced in Military Affairs, being brought up under the Magnificent and Warlike King Richard in his Youth, and understood better how to Fight then to Preach.

This year Isabell the Kings Sister was [4] Married to Frederic Emperor of Germany, and was conducted to the Emperor by the Archbishop of Cologne and Duke of Lohain, [5] for whose Marriage the King received two Marks of every Plough-land, and gave to the Emperor for her Portion 30000 Marks. The Words are in Paris, Rex cepit carucagium, duas Marcas de Carnen. But it ought to have been Rex

cepit

cepit Scutagium, duas Marcas de Scuto. For there was never so great a Tax upon a Plough-land. See the Prior of Coventry's Plea, Communia de Termino sancti Hillarii 17 E. 3. with the Kings Remembrance in the Exchequer. Est compertum etiam in quodam Rotulo compotorum Regis Henrici Titulato: Auxilium Episcoporum, Abbatum, Priorum, concessum, ad sororem Regis Henrici maritandum. Iste compertum, videlicet de quolibet Scuto duas Marcas; Two Marks of every Knights Fee.

In the year 1236, The King at Christmas [6] kept his Court at Winchester, and on the 14th of January was Married at Canturbury by Edmund Arch-Bishop of that place, to Alienor Second Daughter to Edmund Earl of Provence, and she was most splendidly and solemnly Crowned [7] Queen at Westminster on the 19th of that Month. After the celebration of the Nuptials was past, the King went from London to Berton, where he met his Great Men, to Treat with them about the Affairs of the Kingdom.

At this time and place were made the Laws [8] called the Statutes of Berton, by the deliberation and consent only of the Arch-Bishop of Canturbury, and his fellow Bishops, and the major part of the Earl and Barons, by the Grant of the King.

Die Mercurii in crastino Sancti Vincentii in Curia Domini Regis apud [9] Berton, Coram Domino Rege Henrico, & coram venerabili Patre Edmundo Cantuariensi Archiepiscopo, & Corpiscopis suis, & coram majori parte Comitum & Baronum nostrorum Anglie, pro Corona Domini Regis & Regine pro communi utilitate totius Anglie, Provisum fuit tam a predicto Archiepiscopo, Episcopis, Comitibus & Baronibus quam a nobis, & concessum, Quod de cetero isti articuli teneantur in Regno nostro Anglie.

Thither came the Emperors Messengers with Letters from him to desire the King without delay, to send over [1] Richard Earl of Cornwall his Brother to his assistance against the King of France, whereby the King of England might not only recover what he had lost, but also much enlarge his Transmarine Dominions. To whom the King by the advice of his Great Men returned this Answer, That they could not judge it safe or expedient to permit one that was so young, and the only and Apparent Heir (Unicus & manifestus Vices Regni) of the Crown, and hope of the Kingdom, to expose his person to the hazards of War. But if his Imperial Excellency would make choice of any other of the Nobility or Great Men of the Kingdom, they would readily yield to his commands, and give what assistance they were able. Then the Messengers returned with this Answer to the Emperor.

Notwithstanding the Solemn Truce that had been made for two years, from the 25th of July, of the Feast of St. James in the 18th of Hen. A. D. 1234. to the same day in the 20th of his Reign, A. D. 1236. yet there were many Land Piracies committed in the time, much Plundering and Robbing, which they Termed intercepion; for on the sixth of March that year Ralph * Bishop of Hereford, the Dean of Hereford, Walter de Clifton, and Walter de Beuchamp were again constituted Dictators of amends to be made, for Damages

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[9] fol. 419.
n. 50.
A. D. 1236.
The King
Marries Ali-
enor, the Earl
of Provence
his Daughter.
[7] fol. 410.
n. 30.

[8] Poultons
Statutes, f. 9.

[9] Annal.
Berton. f. 287

[1] Paris f.
421. n. 50.
The Emperor
desires the
King to send
Richard his
Brother to his
assistance a-
gainst France.

The Kings
Answer and
Excuse.

The Truce
between Eng-
land and
Wales viola-
ted.
* Append. n.
157.
Commission-
ers appoint-
ed to inspect
Damages.

ges done on both sides, and for the Interceptions made (as was said) Prince Lewelin of Aweriau, and Morgan of Carleon concerning the Castle of Carleon.

And after this Arbitration or Determination what amends was to be made on both sides, Edmund Archbishop of Canturbury renewed the Truce for one year longer, That is until the Feast of St. James in the One and Twentieth year of his Reign, between King Henry and Prince Lewelin, and all that were openly concerned on either side, so as the King and Prince should be in the same possession of Lands and Tenements, Men and Homages as they were the Day of the making this Truce; Saving to Morgan de Carleon his Lands and Chattels, which Gilbert Earl Marshal possessed himself of, within the time of the Truce. If any Lands or Castles had been seized During the Truce, no Amends were to be expected for them; but for goods or moveables, amends was to be made for them by the Arbitrators, which were sometime called *Correctors*, sometimes *Distillers* of amends. The Truce still to continue, so as no Rania, *Reprisals* or *Distresses* were to be taken, for any Interception made of moveables within the time of the Truce, nor for any contention before the making of it. No new Castles were to be Built or Fortified in the *Marches*, or those which were Demolished repaired, during the Truce, and the Lands in the *Marches* were to remain Commune according to the Stipulation in the last Truce.

On the 29 of April the King [3] called the *great men of England* (*Congregati sunt magnates Angliæ ad Colloquium*) together at London, to treat about the Affairs of the Kingdom, and on the first day of the Assembly, he removed into the Tower of London; but not one of the *Great men* would come to him, whereupon he came again to his Pallace, and in treating of many things, for the Good of the Realm, the King laudably performed one thing, which was to remove all Sheriffs that were unjust and unfaithful in the discharge of their Office, and substituted men of Birth and Estates in their Room, who would not so readily be corrupted by Gifts and Rewards, and made them Swear they would receive no other Presents but Meat and Drink, and that very moderately. In this Assembly the King of Scots by his Messengers required of the King, the restitution of such Rights as belonged to him by Charter, and the Testimony of many *great men*, but nothing was determined in that Affair. At the same time was a great difference between Richard Earl of Cornwall, and Richard Sward, which the King endeavoured to compose, but could not, and thereupon he banished Sward the Kingdom. He likewise removed Ralph Fitz-Nicholas the Steward of his House, and many other *great Officers* of his Household, both from their Offices, and his Council; and [4] required the Bishop of Winchester his Chancellor, to deliver up the Great Seal, but he refused, Affirming he received it by the Common Council of the Kingdom (*Communis Consilio Regni*) and would not resign it up to any one without their Consent. At this time the Emperor sent to demand the Money King Henry had promised with his Sister.

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Some time in May [5] Peter de Bichallis, and Stephen Segreabe were received into the Kings Favor.

On the 8th of [6] June the King called the *Great men of England* together at Winchester; where the King by virtue of the Popes Bull endeavoured to void some Grants he had made before he was Married, alledging they were *invalid* because they wanted the Popes Confirmation, to whom the Right of the Kingdom belonged, (*ad quem ius regni spectabat conferre*.) The *Great men* were much surprised at the Kings endeavors to enslave his Kingdom to such base Conditions.

This year the [7] King by the advice of his *Great men* went to York to compose the difference between him and Alexander King of Scots; who affirmed he had not only a Charter, but the Testimonies of many Bishops, Earls and Barons of King Johns Grant of the County of Northumberland to him upon the Marriage of his Daughter Johanna. Adding, That if he would not peaceably restore unto him his Right, He would recover it by force. That which encouraged the King of Scots to make this Demand at this time was, that Leolin Prince of Wales would be easily induced to break Peace with King Henry, and the Affinity of Gilbert Marshal who had married Margaret his Sister, and also the present Hostilities beyond Sea. [8] The King of England having consulted his present Circumstances, for the preservation of the Peace of his Realm, offered the King of Scots in lieu of the County of Northumberland the yearly revenue of LXXX Marks in some other place, which gave satisfaction to all, and so this Colloquium or Conference was Dissolved.

This year the [9] Fryars Predicants, and Minors, went through Cities, Towns, Castles, and Villages in England, and offered plenary Indulgences to any who were confessed, and truly penitent, that would undertake the Cross; and soon after the Pope sent into England Fryar Thomas a Templar and one of his Domestic with his Bull to absolve any one from his vow upon payment of a certain Summ of Money towards the defraying the Expences of the Holy War, and whoever should pay any Money for this end, although he was under no Vow, yet he should have the Benefit of this Indulgence.

In the year 1237. at Christmas the King kept his Court at [1] Winchester, from whence he sent out his Writs, Commanding all that belonged to the Kingdom or Government, namely Archbishops, Bishop, Abbats, Installed Priors, Earls and Barons, That all without fail should meet at London on the * Octaves of Epiphany, to treat about the Kings Affairs, which concerned the whole Realm, *Rex precipiens omnibus ad regnum Angliæ spectantibus videlicet Archiepiscopis, Episcopis, Abbatibus, Prioribus installatis, Comitibus & Baronibus, ut omnes sine Omissione in Octavis Epiphaniæ convenirent regia negotia tractaturi totum Regnum contingentia.* The *Great men* yielded a ready obedience to the Kings Summons, believing some very great and difficult affairs were to be transacted, and accordingly on St. Hilary's day

Ruallis and Segreabe received into favour.

[5] fol. 431. n. 20.
[6] Ibid.
The King thought such grants invalid, that wanted the Popes Confirmation.

[7] f. 432. n. 40.
The King of Scots meeteth the King of England at York.

What encouraged him to offer such demands to King Henry.

[8] Ibid. n. 50.
King Henry gives him satisfaction.

[9] f. 433. l. 1.
The Popes Policy to gain Money from the English.

[1] fol. 435. n. 10, 20, 30, 40, 50.
A. D. 1237.
A Parliament at Winchester.

* That is Jan. 13th.

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* Append. n. 158.
The Truce renewed.

The Conditions on which it was to continue.

A. D. 1236.
[3] fol. 429. n. 30.
A conference at London.

Unjust Sheriffs removed, and Corruptions in that Office prevented.

The King of Scots Demands.

Several of the Court Officers removed.
[4] f. 430. l. 1.
The Chancellor refused to deliver the great Seal.

The Kings
gratious offer
and Demand.

The Reply
made to him.

The Kings
Answer.

[1] fol. 436.
llo. 1.
He is concern-
ed how to
gain the good
will of his
Barons.

A Thirtieth
part of all
Moveables
granted to the
King.

[3] See Ap-
pend. n. 159.
[4] Ibid. n.
20, 30.
The manner
how it was to
be Collected
and Secured.

an infinite Number of the Nobility, that, is the whole University of the Kingdom met at London, *Infinite Nobilitum multitudo, scilicet Regum totalis Universitas Londonias venit.* When they were all met and Seated in the Kings Palace at Westminster, William de Beke Clerk, and a Domestick of the Kings, a discreet man, and well skilled in the Laws, arose, and as a Mediator between the King and Great Men, declared the Kings Pleasure and intention. That the King Commanded him to tell them that whatever he had done hitherto, He would for the future be wholly directed by their Counsels, who were his Natural and Faithful Subjects. That those who had been his former Treasurers, had been unfaithful in that Office. That the Kings necessities at this time pressed him to require an Aye of them, but he would consent that whatever was granted should be both Collected and Disposed of for the necessary uses of the Kingdom, by such whom they should name and choose for that purpose. To this they replied, That they had very often Granted and paid sometime a Twentieth, then a Thirtieth, and again a Fiftieth part to the King; yet he could never be prevailed with to remove or banish from him any one of the Enemies of the Kingdom. That he had never enlarged but had streightened his Dominions; And for the Assistance of others, had extorted very frequently great Sums of Money from his own natural men (*a naturalibus suis hominibus*) as from the meanest of Slaves. The King Answered, That his Sisters Portion Paid to the Emperor, and his own Wedding had emptied his Pockets, and if they would grant him a Thirtieth part, He assured them upon Oath, He would never more give them an Occasion to Complain. They replied, That these things were done without their consent, and seeing they were free from the fault, they ought not to partake of the punishment. After this they retired to consider how they might moderate and also satisfy the Kings desires. And on the other side, the King being much concerned how he should gain the good will of his Barons; assured them, that he never endeavoured by the Popes Bull to void those Grants he had confirmed to them by his Charter; and if any such thing had been Suggested to him, he altogether disallowed it, and that he would *inviolably observe all the Liberties of the Great Charter.* (*Omnes Libertates Magnæ Chartæ observare*) and for their better security, Commanded the same Sentence that Stephan Archbishop of Canturbury denounced against the infringers of this Charter, to be again solemnly pronounced, that the Violators might be the more inexcusable. After this he added the Earl of Warren, William Ferrars, and John Fitz Geoffrey to his Council, who Swore they would never be corrupted by gifts to deviate from truth, and would always give the King good and wholesome Counsel. Then a Thirtieth part of all moveables was granted to the King, excepting every mans Gold and Silver, and his Horses and Arms, which were to be used for the Benefit of the Commonwealth.

And for the due [3] Collection of the aforesaid Thirtieth part which was made the year following, four Trusty Knights (*4 Milites fide dignos*) [4] were to be chosen in every County. To whom the King was to add one Clerk in every County in England, who were all Sworn duly to Collect and Secure the Money in some Abbey, Church, or Castle, That if the King should recede from his promise, it might be restored to every one again. So that when the Collectors came to

levy

Levy, it was paid on this condition, That from thence forward the King should reject all Counsels and Advices of Forreigners and Strangers, and adhere to those of his Faithful and Natural Men. *An nexum fuit in conditione quod ex tunc & deinceps consilio alienigenarum, & omnium innaturalium derelicto, suorum fidelium & Naturalium hominum consiliis adharebit.*

About this time [5] Leolin Prince of Wales, being wearied out with continual Wars and Age, sent Messengers to the King to desire a confirmation of the League that was between them, and also to put himself and all his under his protection, and that he would hold his Lands of him in Fealty and Friendship, by an indissoluble League, promising to assist him in all his Expeditions with Men, Horses, and Money, as far as his ability would reach. The King accepted his Offer, and sent the Bishops of Hereford and Chester to confirm it. The Record on the close Roll of 21 Hen. 3. m. 11. Dated June 16. seems to give much credit to this Relation.

This year [6] Hubert Earl of Kent incurred the Kings displeasure in Marrying Richard Earl of Gloucester his Ward, to his Daughter Margaret, without the Kings consent, but was soon reconciled again; Hubert protesting that he did not know the King had designed another for him: And also promised to pay a sum of Money, which appeased the Kings Anger.

About the Nativity of St. John Baptist, [7] Frederick the Emperor invited all Christian Princes to meet at Mantua, to Treat about some difficult Affair, which concerned as well other Kingdoms as the Empire. The King of England designed to send Richard Earl of Cornwall his Brother, with other Great Men, under the conduct of the Arch-Bishop of York, and the Bishop of Ely to be his Deputies at this Meeting. The Bishop of Winchester was chosen, but he refused to go, because the King had formerly accused him to the Emperor, as one that disturbed the Peace of his Kingdom. When every thing was prepared for their Journey, they had notice from the Emperor, that the Assembly was deferred till Christmas following.

About the Feast of St. Peter and St. Paul, June 29. [8] Cardinal Otto the Popes Legate came into England at the request of the King, but without the Knowledge of his Great Men, for which (it was said) the Archbishop of Canturbury very much blamed the King, as a thing prejudicial to his own Dignity, and a great damage to the Kingdom. However he would not hearken to his Counsel, but received him, as also did the Clergy, with great Pomp, Ceremony, and large Gifts, [9] Some of which he refused (contrary to the usage of those which came from Rome) which very much abated the Hatred conceived against him; and by his endeavors Peter Bishop of Winchester, Hubert Earl of Kent, Gilbert Basset, Stephen Seggare, and Richard Swarth were reconciled to one another, as likewise many others.

According to the [1] Act made in the late Assembly of the Great Men at London, on St. Hilary's day, The Thirtieth part that was granted to the King, was to be Collected and secured in some Monasteries

On what
conditions
paid.

[4] Ibid. n. 50. fol. 403. n. 40. Leolin Prince of Wales puts himself under the Kings protection.

[6] fol. 437. n. 10, 10. Hubert incurred the Kings displeasure, but is soon again reconciled.

[7] fol. 438. n. 30, 40. A. P. 1337.

[8] fol. 449. n. 10. Otto the Popes Legate comes into England at the Kings request.

[9] fol. 443. n. 10. He reconciled the Noblemen that were at variance.

[1] fol. 445. n. 30, 40.

The King guided by foreigners and his liberality towards them. [2] Ibid. n. 50. Earl Richard repents to him the state of the Realm.

[] fol. 446. lin. 4. His principal Counsellors

[4] Ibid. n. 30, 40. A. D. 1237. A Parliament assembled at York.

An agreement between King Henry and the King of Scots. a.

[5] Ibid. n. 10. The Legate signifies his desire to visit Scotland. The King of Scots Answered.

The Legate alters his Thoughts.

nasurus or *Cassus*, to be disposed of towards the defraying the necessary expences of the Kingdom; but the King bestowed it upon Strangers, who carried it out of the Realm, and was now wholly Governed again by their Counsels, which much moved the Great Men, and more especially [2] Richard Earl of Cornwall, who went to the King, and represented to him the miserable state of his Realm. That He had scraped from and spoiled his natural Subjects of their Money and Goods, and had inconsiderately bestowed it upon *Forreigners*. Adding, that the *Archbishoprick*, and all the *Bishoprics* of England had been void in his time, except that of *Tork*, *Bath*, and *Winchester*, beside what arose from *Abbies*, *Earldoms*, *Baronies*, *Wardships*, and other *Escheats*, and yet his Treasury never increased. Moreover he had lately called in the *Popes Legate*, whereby he had so inflamed himself, that He could do nothing in his Realm without his consent, and was no longer [3] King, but a *Fendatary* of the *Pope*. His principal Counsellors and advisers in these things, were John Earl of *Lincoln*, Simon Earl of *Leicester*, and *Fryar G. a Templar*, all of them born within the Kingdom, which rendered them the more odious to the Nobility of England. *Quos idcirco magis habebant Mobiles Anglia exosos, Quia de Regno ipso duxerunt Originem*: Yet Simon Montfort Earl of *Leicester*, and John Lascy Earl of *Lincoln* were of French and Norman Extraction.

On the 14th of September the King [4] summoned his Great Men to meet him and the Legate at *York*, to Treat upon some great Affairs that concerned the Kingdom, *Rex scripsit Magnatibus suis ut coram eo & Domino Legato in exaltatione S. Crucis apud Eboracum convenirent de arduis negotiis regnum contingentibus tractaturi*. The King of Scots met him there to make an end of the difference that was depending between them. After much consultation and debate, it was agreed That the King of Scots should have (*Trescentas Libratas terræ*) a. Three hundred pound Lands by the year in England, for which he should do Homage to King Henry, but should not build any Castles upon it, and was to quit all pretences to any farther claim. [5] Then the Legate signified to the King of Scots, that he would go into Scotland, to Treat upon Ecclesiastical Affairs there, as in England, to whom the King answered, That He never remembered a Legate called into his Kingdom, and (He thanked God) there was no need of any now; for neither his Father, nor any of his Antecessors had suffered any to enter, and as long as He was Master of himself He would hinder it; and withal advised him, to take heed how, and when he entered into his Land, for he had an ungovernable people, whose violence and fury would not be restrained. When the Legate heard these things, he altered his thoughts of seeing Scotland, and kept close

a. It was but Two hundred pounds by the year as appears upon Record, for Pat. 2. Hen. 3. M. 8. Thomas Muleton and others were appointed to let it out in the Counties of Cumberland and Northumberland, and such Lands upon which there was no Castle. Dated March 16. 1238. Another Order to John Fitz-Philip and others to let them out. Pat. 22. Hen. 3. M. 1. Dated May 29. Another Pat. 25. Hen. 3. M. 11. Dated to Hen. de Nokesen and others, Dated Nov. 21. And another to the Bishop of Durham, Pat. 26. Hen. 3. M. 9. to let out 200 pounds per annum in the Counties of Northumberland, Cumberland and Westmerland, according to an agreement made in Writing between the two Kings, Dated Feb. 16. But that they were letted at last, and that he was in possession of them it appears by Clauf. 36. Hen. 3. M. 23. Dated Feb. 21.

to the King of England, whom he found very obsequious in all things.

In the year 1238. King Henry at Christmas kept [6] his Court at Westminster, and on the day after Epiphany Simon Montfort Married Alienor the Kings Sister, the Relict of William Marshal late Earl of Pembroke. Soon after the [7] Pope hearing great disturbances were like to arise in England, upon the calling in, and continuance of his Legat there, He sent his Letters to revoke him: but he being very unwilling to part from England, where he reaped such advantages, prevailed with the King, Earl Richard and all the Bishops to certify to the Pope under their Hands and Seals, that his continuance here in England would be of great advantage to the King, the Church and the Realm.

When [8] Earl Richard and the Great Men heard that Simon Montfort had privately Married the Kings Sister Alienor, they very much stomached it, because it was done without their privacy and consent, and Earl Richard went to the King and gave him hard words, because he still adhered to, and was guided by the Counsels of Strangers, contrary both to his Promises and Oaths. Gilbert Earl Marshal, and all the Earls and Barons of England, seconded Earl Richard, whom they looked upon to be the Man that should free the Land from Romans and other Strangers. No one now stood close to the King but Hubert Earl of Kent. When the Legat saw the danger the Kingdom was in, He applied himself to Earl Richard, and advised him to desist, and promised him very large possessions from the King, and a confirmation of them to him from the Pope. To whom the Earl answered, That he had nothing to do with the Estates of Lay-men, or their Confirmation, and might concern himself with Ecclesiastical Matters; But would not have it seem strange to him that he was so much concerned, for the present state of the Kingdom, seeing He was apparent Heir to the Crown, (*Cum sensum Hares Apparent*); And altho so many profits, accrued every way to the King, yet the Treasury was empty, when the Kingdom was on every side encompassed with Enemies, and Strangers, enriched with Church Revenues and Benefices, Given and Founded by our pious Ancestors.

When the Legat heard this [9] he endeavoured by admonition, Entreaties, and threats, to allure or affright them into a compliance, but to no purpose, for the King saw their inclinations were bent toward his Brother. He therefore when he could prevail nothing, desired time, till the day after the first Sunday in Lent to give his Answer.

[1] Accordingly on the day appointed the Great Men met at London, guarded and strengthened with Horse and Arms (*Equis & Armis Communiti*) to constrain the King, if he refused to the performance of the promises. After many Debates, the King promised to submit himself (*Provisioni quorundam de gravioribus virtis*) To the Determination or direction of some of the most discreet Men, which was reduced into writing, and Sealed both by the Legat, and the other Great Men. At this time Simon Montfort and the Earl of Lincoln,

[6] f. 465. n. 40. A. D. 1238. Simon Montfort Marries Alienor the King's Sister. [7] f. 466. n. 20, 30, 40. The Pope revokes him his Legat in England. His own contrivance to continue his stay.

[8] f. 467. n. 10, 20, 30, 40, 50. The Nobility Stomached Montfort's Marriage. Earl Richard rebuked the King for adhering to the Counsels of Forreigners.

The Legat's advice to Earl Richard rejected.

[9] f. 468. n. 10.

[1] Ibid. n. 10. The Great Men came armed to meet the King at London.

D d d d by

Earl Richard brought over to the Kings side.

by their humble submission, and the intercession of others, and some Gifts, so wrought upon Earl Richard, that he was reconciled to them, having first given caution to satisfy for the injuries committed, yet it blasted his Reputation, and his Integrity was suspected. This year on the 4th of March dyed *Joanna Queen of Scots*, eldest Sister to King Henry.

[1] f. 468. B. 40. Simon goes to Rome to procure a Confirmation of his Marriage.

[3] f. 471. n. 10. His success there.

[4] Ibid. f. 475. n. 10. He is kindly received by the King.

[5] f. 469. n. 39. A. 10. The Legate honorably received at Oxford. An unfortunate quarrel between his Servants and the Scholars. The Legate's Cook slain. His flight and complaint to the King.

[6] f. 470. n. 10. The Earl of Warren sent to repress the insolence of the Scholars. Oxford Interdicted.

A. D. 1238.

[7] Ibid. n. 30.

On what conditions reflected.

Simon [2] Montfort seeing himself neglected by the King, Earl Richard and the Great Men, and his late Marriage with the Kings Sister like to be annulled, gathered what Money he could together, went to Rome, hoping to procure a Confirmation of his unlawful Marriage. The Councils of Pembroke remaining at Kenilworth great with Child, expecting the event of the Journey. With his [3] Money he so prevailed with the Pope, that notwithstanding it pleased not Edmund Archbishop of Canturbury, and his opposition, He wrote to his Legate Otto to give Sentence for Simon Montfort, and on the 14th. of [4] October he returned into England, and was received by the King with a Kiss and great Joy, and likewise by all the Courtiers.

This year [5] the Legate went to Oxford, and was Honorably received by the Scholars, and lodged in the Abby of Mney. One day after dinner the Scholars came to pay their Respects to him, but were uncivilly repulsed by the Porter, and ill Treated by the other Servants, which occasioned reproachful words on either side. In the mean time a poor Irish Scholar begging for some relief at the Kitchen Hatch, the Legate's chief Cook cast a Ladle full of boiling water on his Face; A Welchman standing nigh him, and seeing this affront, cryed out, How long shall we endure this? and forthwith shot the Cook through the Body with an Arrow, who immediately fell down dead. When the news came to the Legate, He secured himself in the Church till night, and then by the benefit of the darkness made his escape, and hastened to the King, and with many complaints and Tears, related what had befallen him at Oxford. Upon this, the King being moved, sent the Earl of Warren with some Armed Men to Oxford to relieve the Legate's Servants who were still in the Abby, and to repress the insolence of the Scholars; the Earl took about Thirty and imprisoned them in Wallingford Castle; the Legate after he had recovered his fright, called some Bishops to him, Interdicted Oxford, and Excommunicated all that were Abettors or consenting to the late Enormity. Soon after he summoned all the Bishops of England to meet him at London, on the 17th of May, to Treat with them about Ecclesiastical Affairs. The Bishops offered something in behalf of the Scholars of Oxford, urging the Quarrel was begun by the Legate's own Servants, altho in the event the fault was on the Scholars side, whereof a great number of them were at his pleasure imprisoned, and the rest in a readiness to make their submission to him; [7] At length the Legate was prevailed upon to restore them on these conditions, That all the Scholars should meet at St. Pauls Church (which was about a mile from the Legate's Lodgings) and go on foot till they came to the Bishop of Carlisle's House, and there should put off their Coats, Mantles, and Shoes, and go to the Legate's House, and humbly beg his Mercy and Pardon; which being done by the Scholars, the University was

was restored, and the Legate promised it should be no infamy or reproach to them.

This year soon after Easter the King sent assistance [8] to the Emperor against his Rebellious Subjects in Italy, under the conduct of Henry de Crumbleville, an expert Soldier, who were very successful in their attempts, and reduced many Cities to the Emperors Obedience. He likewise sent a Letter to the Pope in the Emperors behalf, which was taken very ill at the Court of Rome, and put a stop to all English Affairs for some time.

This year [9] on the 9th of June Dyed Peter Bishop of Winchester at Fernham, after he had governed that Church about 32 years. The King endeavoured what he could to [1] incline the Monks to choose William the Elect of Valence to succeed in that Bishopric, but could not prevail with them, for they made choice of William Bale, but the King refused him, and Swore he would never accept him. Then they proceeded to treat about another choice. When the King heard of it, he endeavoured to influence or affright them to compliance with him by promises and threats, but to no purpose, for they elected Ralph [2] Beville Bishop of Chichester the Chancellor, which raised the Kings indignation to such a height that he bitterly reviled and reproached both the Monks and him, and violently forced from him the Great Seal, and delivered it to Galfred a Templar, and John de Lexington; but the Profits of the Chancellorship, belonged still to the Bishop. Then the King sent two Lawyers Simon and Alexander, to the Court of Rome, who by Money and promises procured this Election to be voyded.

This year when the [3] King was at Woodstock, on the 8th of September, there came one to his Court, who feigned himself mad, requiring the King to resign his Kingdom to him; when the Ministers about the King would have forced him away with blows, he hindred them from offering any violence to him, affirming, he did nothing but what became a Mad man. But about Midnight it was discovered by one of the Queen's Maids, Margaret Bisset, who was at her Devotions, that he made a close search for the King, who that night lay with the Queen; she cryed out, and with her noise alarmed the Guards, who broke in upon him, and secured him till next morning, upon Examination he confessed, that he was employed by William de Barthelemy the Son of Geoffrey de Barthelemy, to assassinate the King, and that many others were in the Conspiracy. Then he was Condemned to be drawn asunder by Horses at Coventry.

In the year 1239. King Henry de Chiffmase kept his [4] Court at Winchester while he was at Dinner one Day, Gilbert Earl of Clare came with several of his Friends to the Palace; [5] but were denied entrance by the Door-Keepers. The Earl (suspecting something had been whispered to the King to his prejudice) sent to the King next day to know the reason why such an Affront was offered him the day before. To whom the King replied, That Richard Elder Brother was a Traytor and a Rebel, and continued so till Divine Vengeance overtook him, and that through the importunate intercession of the Archbishop of Canturbury, not for his own merit, He

[8] Ibid. n. 40. The King sendeth men to the Emperors Assistance. It is ill taken at Rome.

[9] f. 471. n. 3. Peter Bishop of Winchester Dyed. [1] f. 471. n. 20. 30. The Monks refuse to choose him, the King recommended.

[2] Ibid. n. 50. They choose the Bishop of Chichester the Chancellor. The Seal taken from him. His Election voided at Rome.

[3] fol. 474. n. 40. 50. A. D. 1238. A Plot against the Kings life discovered, and the Traytor taken.

He confessed who employed him, and is Executed.

A. D. 1239. [4] f. 48. n. 1. 3. [5] Ibid. n. 20. 30. Gilbert Earl Marshal refused entrance into the Kings Palace. He is very severely checked and reprimanded by the King.

[4] Ibid. n. 40.
Montfort made Earl of Leicester.

[7] fol. 484. n. 10.
Otto again re-
voked, but at
the Kings re-
quest, is con-
tinued.

[8] f. 485. n. 30.
The King in-
vited the Bi-
shop of Chi-
chester to re-
turn to his
Office.
But he refus-
ed.
[9] fol. 486. n. 40.
The Emperor
Excommuni-
cated by the
Pope.
[1] f. 488. n. 40.
A. D. 1139.
Prince Ed-
ward born.

[2] f. 490. n. 10, 10, 30.
Ranulph Canon
of St. Pauls
falsely accused
of Treason,
by the Kings
Writ he is im-
prisoned in the
Tower.

London threat-
ened to be in-
terdicted.

He had restored to him both his Brothers Office and Inheritance, but could recall it when he pleased. When the *Earl* heard the *Kings* Answer, he retired from Court, and went into the North of England. On Candlemas day following, the *King* made *Simon Montfort* [6] *Earl of Leicester*, and received *Stephen de Segrave* again into his Council.

This year the *Pope* by his Letters [7] revoked *Orto* his *Legat*; but the *King* fearing his *Great Men* would unanimously oppose him next *Parliament*, sent away Messengers to the *Pope* to permit him still to continue in *England* to appease the Troubles he expected.

Soon after *Easter* the [8] *King* being sensible of his own indiscretion, in discharging the *Bishop of Chichester* from the *Chancellorship*, and removing him from his Court, used all allurements he could to prevail with him to return to his Office, but he refused, still remembering how he had been treated by the *King* in procuring his Election to the *Bishopric of Winchester* to be voyded; when he had served both him and his Father so long with *Fidelity* and *integrity*.

This year in Lent *Pope Gregory* [9] *Excommunicated* and *Anathematized* or *Cursed Frederick* the *Emperor*, because he justified himself, and would not hearken to his admonitions.

On the 16 of *June* following *Queen* [1] *Alienor* was safely brought to Bed of *Prince Edward* at *Winchester*, and on the 4th day after war Baptized by the *Legat* (although he was no Priest,) and the *Arch-bishop of Canturbury* confirmed him in the *Conventual Church*, in the presence of many *Bishops* and *Great Men*.

This year [2] *William* one of the *Kings Messengers* being convicted of many Crimes, was Condemned to Dye; but to prolong his own Life, he accused several of the Court of Treason, and among the rest *Ranulph Brito*, Canon of *St. Pauls* and Treasurer, who was by the *Kings Writ* to the *Major of London*, apprehended and Imprisoned in the Tower. Whereupon the *Dean of London* with the Canons in the absence of the *Bishop*, proceeded to excommunicate all that were actually concerned in this violation of the Church's Peace. And the *King* being admonished by the *Bishop* to correct his Error, neglecting it, the whole City of *London* was threatened to be Interdicted by the *Legate*, *Arch-Bishop*, and *Bishop of London*. Then the *King* (though against his Will) released him, but on this condition, that he should appear when ever he should call him to his Tryal, but the Church would not consent to it, so at length he was set at liberty, but discharged the Court. *Stephen Segrave* was now become one of the *Kings* chief Counsellors, and behaved himself with more modesty and prudence then formerly. Soon after the person that defamed *Ranulph*, and many others, was executed on a Gibbet; and then confessed that he accused them only to prolong his own Life.

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On the 9th of *August* [3] the *Great Ladies* met to accompany the *Queen* to her Churching, when the *King* saw *Simon Montfort Earl of Leicester*, and his Wife there. He told him he was an Excommunicated person, and prohibited both him and his Wife to be present at that Solemnity; adding, that he had first corrupted his Sister, and to avoid scandal had Married her; and then went to *Rome* to procure the *Popes* Confirmation of this unlawful Marriage: when the *Earl* heard these words from the *King* [4] he was much abashed, and that Evening took Ship with his Wife, and some few attendants, and passed over Sea.

On the last of *July* the [5] *Bishops* met at *London* to consider how they might relieve the *Church of England* from those oppressions it lay under, by the perpetual exactions of the *Popes Legat*. But instead of easing them, He demanded Procurations: To whom they generally Answered; That the Church had been so often squeezed by him, and others from *Rome*, that they could endure it no longer; so the Council was dissolved, not without Murmurs and Complaints, yet he extorted much Money from the *Religious*.

Soon after the *Legate* went towards [6] *Scotland* with a guard of *English* to secure him from any treacherous attempts. But before he entered that Kingdom, he was met by the *King of Scotland*, who told him, That never any *Legate* had entered there before, and there was no occasion for any at this time, for Christianity flourished there, and the Church was in a prosperous condition. But when words began to multiply on both sides, and the *King* ready to prohibit his Entrance, through the intercession of the *Great Men* of *England*, it was agreed under Hand and Seal of the *Legate* that this should not be drawn into a president.

This year several [7] *Articles of Treason*, and high misdemeanors were by the *Kings* Order drawn up against *Hubert Earl of Kent*, pretended to be committed by him while the management of the *Kings Affairs* passed through his hands. To all which he answered by [8] *Lawrence a Cleric* of *St. Albans* (his close Friend in all his Adversities,) with such modesty and submission, that all that heard him, were satisfied with the *Earls* Innocency; although the *King* and all the Lawyers, or rather Serjeants, did what they could to make him guilty. *Licet Rex cum omnibus prolocutoribus Sancti, Quos narratores vulgariter appellamus, in contrarium miserentur.* However, the wrath of the *King* was not appeased, until he had resigned into the *Kings* Hands four of his Castles, namely *Blanchet, Gosmund, Serenestritb, and Harfield*. The Articles, and the *Earls* [9] Plea to them are to be seen at large in *Lib. Additament. Paris* f. 149.

This year the *Pope* [1] wrote to the *King of France*, to let him know that He had by the advice of his Brethren, excommunicated and deposed *Frederic* the *Emperor*, and had made choice of *Earl Robert* his Brother to succeed in the *Empire*, and promised not only his own, but also the assistance of the *Universal Church*, to establish him in the possession of the Imperial Crown. To which the *King of France*

[3] f. 487. n. 10.
The King showed his passion and displeasure against Simon Montfort.
[4] f. 498. n. 10.
He and his Wife retired from Court and pass over Sea.

[5] f. 498. n. 10. And f. 515. n. 10.
The Bishops consulted how to relieve the Church from the exactions of the Legate, B. to no purpose.

[6] Ibid. f. 498. n. 10.
A. D. 1139.
The Legate refused entrance into Scotland.

At last he is admitted, but under conditions.

[7] f. 515. n. 10.
Articles of High Treason drawn up against Hubert Earl of Kent.
[8] f. 514. n. 19.

He resigned into the Kings hands four of his Castles.

[9] Append. n. 199.

[1] f. 517. n. 50.
Robert Brother to the King of France chosen Emperor by the Pope and his Conclave.

[1] Ibid. f. 518. lin. 40.
The King of France refused to be engaged in that Affair.

A.D. 1240. 3.
f. 523. n. 30.

[4] Ibid. n. 30.
The Bishops complain before the King of injuries offered to the Church.

The Chapters second the Bishops.

[5] f. 524. n. 30.
The Emperors complain against the King.

The Kings Answer.

[6] Ibid. n. 30.
He adviſeth the Legate to depart his Kingdom.
The Legates reply.
[7] Append. 161.

[8] Append. n. 162.
His policy and contrivance to get Money.

[9] Ibid. n. 30.
Amorſkildly received by the King and Court.

France answered; That he knew not [2] by what Authority ſo Great a Prince was depoſed, nor was ſatisfied, that the crimes objected againſt him were ever proved; and if they were, it ought to be done by the Aſſembly General Council, and not by the Pope who was his Capital Enemy; nor had he found ſo much Religion in the Pope as in him; and therefore would not be engaged in ſo dangerous an Affair.

In the year 1240. [3] King Henry kept his Chriſtmaſs at Wincheſter, where he Knighted Baldwin de Riparia (that is Rivers) and then made him Earl of Ulgher, and Married him to the Daughter-in-law of his Brother Richard Earl of Cornwall.

In the Octaves of Epiphany (or 13th of January) [4] the Arch-Biſhops and Biſhops with many Great Men (Cum multis aliis Magnatibus) met at London, the Legate being preſent; where before the King in his own Court they made grievous Complaints of the Injuries, Oppreſſions, and Deſolations that were brought upon the Church by his means, contrary to his Charters and Oath, in keeping many Churches void for a long time, and taking the Profits of them, and for hindring Canonical Elections. And about 30 Chapters, (30 Circiter Capitula) ſecounded the Biſhops in their complaints againſt the King, and at length they proceeded to Excommunicate all thoſe Counſellors of the Kings who had inclined his Mind to ſuch Enormities.

At this time the King received Letters by Meſſengers from [5] the Emperor, wherein he complained that he had forgotten he had Married his Siſter, when he ſuffered the Popes Sentence of Excommunication againſt him to be publiſhed in his Realm, and had inconfiderately called in, and continued in his Kingdom the Popes Legate, and Coadjutor in theſe practices againſt him. Wherefore he deſired he might be thruſt out of England as an Enemy, and pillager of his Subjects; to whom the King moſt ſhamefully answered, That he ought to obey the Pope and his Eccleſiaſtical Commands, becauſe he was His Tributary and Feudatary. [6] However, after ſome conſultation with himſelf, he adviſed the Legate to leave his Kingdom, left by his ſtay here he ſhould incenſe the Emperor. He replied, that he had called him into his Kingdom, and therefore required ſafe conduct for his return; but in the mean while he was not idle in collecting and [7] forcing the Clergy to pay Procurations; Moreover, hearing (as he ſaid) that ſome that had undertaken the Croiſade, and were unable to fight, went to Rome for Abſolution from their Vow; by his Letters he invited all ſuch that were deſirous of [8] Abſolution, and willing to ſpare their labour and expences to come to him, and upon the payment of a ſum of Money they ſhould be Abſolved from their Oath, for that he had received the Popes Command, that he ought not barely to Abſolve them, but alſo to compel them to redeem their Vow. That is, to compound for their Abſolution.

In April following, Simon [9] Montfort Earl of Leiceſter returned again into England and was very kindly received by the King and Court; but deſigned to make no ſtay here, but only to furniſh himſelf with Money from his Tenents; and other neceſſaries for

for his journey to the Holy Land. At the ſame time there aroſe ſuch a difference between the Scholars and Citizens of Oxford, that many of them removed from thence and came and ſettled at Cambridge, [1] where the Scholars obtained certain Liberties from the King againſt the Townſmen, and had his Grant or Charter of them.

About this time alſo the King [2] cauſed the Citizens of London and the Wardens of the Cinque Ports to ſwear Allegiance to Prince Edward his firſt Born.

On Tueſday before the [3] Feaſt of St. Dunſtan, which was May the 14th, David the Son of Llewelin Prince of Northwales offered King Henry his Homage for that Principality, and the Lands which King Henry's Barons held there; And they both ſubmitted themſelves to the Arbitrement of Cardinal Otto the Popes Legat, and the Biſhops of Norwich and Worceſter, the Earl of Cornwall, and John de Bonmouth on the Kings part; and the Biſhop of St. Asaph, Inderberht Bayſhan, and Enguan Clagban on Prince Davids part; And both parts bound themſelves by Oath, to ſtand to this Arbitration; and furthermore they both ſubmitted themſelves to the Jurisdiction and Determination of the Legat ſo long as he ſtaid in England, to compel either part by Eccleſiaſtical Censure, that ſhould not obſerve the Articles of the Arbitration, or reſuſe to make amends for any Tranſgreſſion againſt it as he ſhould award. And after this Legatins Office was determined, or that he was Recalled, then they ſubmitted themſelves to the Jurisdiction and Coertion of the Arch-Biſhop of Canturbury and his Succeſſors, and Church of Canturbury. And by this Peace all the Homages of the Barons of Wales were to be performed to the King, and all Burnings, Slaughters, and other miſchiefs done on both parts were to be remitted.

About that time [4] the Arch-Biſhops, Biſhops, Abbats, and ſome of the Great Men of England met at Reding, to hear from the Legat what the Popes demands were. When they were come together, and Silence made, The Legat declared the Popes care, and charge in ſecuring the Peace of the Church againſt the aſſaults of Frederick the Emperor; and for his ſupport he required one Fifth part of all Goods. The King had before given his conſent, affirming he neither [5] would nor durſt oppoſe the Pope: But the Biſhop looked upon this as an inſupportable burden, and that it concerned the Univerſal Church; wherefore they deſired time to deliberate upon an Affair of ſo great weight [6]. After ſome conſideration, the Archbiſhop of Canturbury conſented to pay the Fifth part of his Rents, which amounted to 800 Marks, and the reſt of the Prelates of England followed his example. But when they ſaw the Church of England was every day more and more oppreſſed, ſpoiled, and deprived of its Liberties, without hopes of remedy, and that the 800 Marks he gave to the Pope, availed nothing, he left England, and ſettled himſelf in the Abby of Pontinnar in France.

This year the [8] Pope ſent his Precept directed to the Arch-Biſhop of Canturbury, and to the Biſhops of Lincoln and Salisbury, commanding them to prefer 300 Romans to the firſt vacant Benefices in England

[1] Ibid. A great difference between the Scholars and Townſmen of Oxford.

[2] Ibid. n. 40. Allegiance ſworn to Prince Edward.

[3] Append. n. 163. A.D. 1240. David, Prince of Wales offers Homage to King Henry for that Principality.

The agreement between both parties.

[4] f. 526. n. 20. An aſſembly of the Biſhops and great men at Reding. The Legat demandeth a Fifth part of all Goods.

[5] Ibid. l. 9. The Biſhops at firſt oppoſe it. [6] f. 527. n. 30. But at laſt conſent to pay it.

[7] f. 532. n. 50. The Archbiſhop leaves England. [8] Ibid. n. 40.

Three hundred Romans ſent into England by the Pope to be benefited.

England, and not to collate any others till they were all sufficiently provided.

[E] Ibid. n. 50.
Peter Ruby sent hither to be the Pope's Collector. His contrivance to make Money from the Religious.
[1] f. 534. n. 30.

Two Abbats represent the Oppressions to the King. He received them with frowns and threats.
[2] Ibid. n. 20, 30, 40, 50.
The Bishops ready resolution not to consent.

The Clergy of Berkshire refuse to comply with the Legat.
[3] f. 535 l. 5, and n. 10, 20, 30, 40, 50.
Their refusal against paying any Money.

[4] f. 536. n. 30.
The Legat's policy to gain his ends.

[5] f. 540. n. 10, 20, 30.
Gilbert Earl Marshal reconciled to the King.
[6] f. 542. n. 30, 40.
He removed Simon Norman from being Chancellor.

This year [6] the Pope sent into England Peter Ruby, to be his Collector in England, who went about to the Chapters of Religious Houses, and of some he gained a promise to pay so much Money for uses not mentioned, as such a Bishop, or such an Abbat had done; and then urged to others their examples, whereby many were seduced and cheated of their Money. When the Abbats were sensible of this detestable practice, [1] two of them, namely the Abbats of St. Edmunds, and of Battle, went to the King and made known their grievance to him, urging, if such Exactions were suffered, the Baronies they held of him would not answer the Services that were due to his Crown; and therefore they humbly supplicated him for remedy and redress. But the King received them with frowns, and told the Legat, who was then present, that He might do what he pleased with them, adding, that he would accommodate him with one of his Castles, to imprison them: Upon this some yielded to the fore-mentioned exactions, but others refused to bring themselves under such detestable servitude; [2] Then the Legat with Peter Ruby Assembled the Bishops at Northampton, but could gain no positive Answer from them, but only several exceptions against the Contributions. Then he summoned the Rectors of Churches in Berkshire to meet him and his Accomplices, and endeavoured both by promises and threats, either to allure, or fright them into a compliance; But they resolutely stood it out, affirming they ought not [3] to contribute any thing against the Emperor, because he was neither convicted or condemned by the judgment of the Church; nor because he possessed himself of the Patrimony of the Church, which used not Secular force against Hereticks, although he was Excommunicated by the Pope: Item, That as the Roman Church had its own Patrimony, so other Churches had theirs also, by the Grants and Beneficence of Kings, Princes, and other Great Men, no ways Tributary to the Church of Rome. Item, That although the care of the Church belonged to the Pope, yet the Dominion and Propriety did not. Item, That their Revenues were so small, that they would scarce supply them with necessaries; therefore they ought not to be compelled to any Contribution.

When the [4] Legat and his Accomplices saw the steadiness and constancy of the Clergy one to another, they endeavoured to set them at variance. The Legat went to the King, and soon inclined him to favour the Popes cause; and his Associates, went to the Bishops and Archdeacons, some of whom they gained by promises of preferments, and rewards; and by this means the unanimity and strength of the University of the Clergy was broken.

This year Gilbert [5] Earl Marshal, was through the powerful intercession of Richard Earl of Cornwall reconciled to the King. And Maurice Justiciary of Ireland came to London, and by the Kings means the Earl Marshal and He were made friends; and soon after [6] Simon Norman the Chancellor, and the Kings chief Favorite, and the Legats close Friend, was removed from the Chancellorship, and all other preferments, but the Archdeaconry of North-

This

This year [7] Edmund Archbishop of Canturbury dyed beyond Sea.

In the year 1241. King Henry [8] kept his Christmas at Westminster, where he knighted the Legats Nephew, and a Provincial, and gave them plentiful Revenues. Four days after the Legat received Letters from the Pope, commanding him without delay to come to Rome. After he had taken his solemn leave of the King, with many Sighs and kind Embraces, they parted; He took Ship at Dover the day after Epiphany, and left England; no one but the King [9] lamenting his departure; for he had pillaged the Clergy, that (setting aside the Holy Vessels, and Ornaments of the Church) he left them not so much as he had extorted from them; besides 300 Rich Benefices and Prebendaries were appropriated to his own and the Popes use.

This year [1] the Jews were fined, and forced to pay the King 20000 Marks, or were to be banished, or perpetually imprisoned.

This year the Pope [2] wrote to the Abbat and Convent of Burgh, Commanding them to Grant unto him One of their Parsonages of the yearly Rent of 100 Marks, but if it were double that value it would please him better; and He would Rent it to them again, at 100 Marks by the year, and the residue should be their own. He likewise wrote to many Romans that were Beneficed in England, to solicit and further it by admonition, if not, to compel them to a compliance with his desires. The Monks answered, they could do nothing without the Kings consent, who was their Patron and Founder; and also their Abbat was now absent. Then the Italian Clerics came into England to Peterburgh, and urged them to do it without either the Privy of the King or their Abbat. This the Monks utterly refused, but desired they might not be pressed for an Answer till their Abbat came home; and then they sent [3] and acquainted their Abbat with the whole business, who sent William de Burgh his Cleric to the King, to let him know how dangerous the consequence of such a thing might prove. The King being made sensible of the detriment the Church would hereby sustain, and detesting the Covetousness of the Court of Rome, strictly prohibited them from proceeding any further in such enormous Attempts.

In April following the [4] Monks of Canturbury by the Contrivance and great industry used by the King in that affair, elected Boniface Queen Alenors Uncle, Archbishop of that place, who was appointed by the King and the Pope. This year proved old, and confirmed both by the King and the Pope. This year June the 27 Gilbert Earl Marshal was [5] killed by the unruliness of his Horse after the Rains were broken in a Tournament at Hertford. At the same time Robert Say one of his Knights was likewise slain, and many Esquires wounded and hurt.

Otto the Popes Legat at his Departure left behind him [6] Peter Ruby, and Peter Supin, and with them the Popes Bull, by which they had power to Collect Procurations, to Excommunicate, Interdict, and by several ways to Extort Money from the English Church.

On [7] Midsummer day June 24th, when Richard Earl of Cornwall and Poitou was in the Holy-land, the King of France invested his Brother with the Honor of that Earldom.

[7] fol. fol. 545. n. 30.
A. D. 1241.
[8] fol. 548. n. 20.
One the Popes Legat leaves England.

[9] fol. 549. n. 20.
His great Oppression and Exortion from the English Clergy.
[1] f. 550. n. 30.
The Jews fined and forced to pay great sums to the King.
[2] fol. 554. n. 40, 50.
The Popes demand of the Abbat and Convent of Burgh.

The Monks Answer. They refuse to comply.

[3] Ibid. 555. lin. 8.
The King displeased at the practice of the Italian Cleric.

[4] Ibid. n. 30, 40, 50.
A. D. 1241.
Boniface the Queens Uncle elected Arch-Bishop of Canturbury.
[5] fol. 555. n. 30.
Earl Marshal slain in a Tournament at Hertford.
[6] fol. 556. lin. 7.

[7] Ibid. n. 20.

E e e e

This

[8] fol. 569, n. 70. Griffen treacherously de it with by his Brother David. The Bishop of Bangor Excommunicates David. [9] fol. 710. lin. 1. Griffen offers to become Tenant to King Henry for his liberty.

[1] Ibid. f. 570, n. 10. The King accepts the offer, and prepares to enter Wales. David affrighted into a Capitulation.

[2] Append. N. 164. The King summons David Prince of North Wales to appear before him. A. D. 1241.

[3] Append. n. 165.

New Arbitrators chosen between the King and Prince David.

This year [8] **Griffin** the Son of **Leolin** Prince of **Wales** was treacherously Imprisoned by his Brother **David**, who would not be persuaded to release him. Upon this **Richard** Bishop of **Bangor** first Excommunicated him, and then applied himself to King **Henry** for Remedy, who sent to **David** and severely blamed him for his Treachery and unkindness to his Brother, and urged and commanded him to give him his liberty; to whom **David** returned a mispers Answer, Affirming **Wales** would never enjoy peace if he were set at liberty. When [9] **Griffin** understood this, He sent privily to King **Henry**, That if he would free him from his imprisonment, He would become his Tenant, and pay him 200 Marks a year for his Land, and swear Fealty to him, and would assist him in subduing the rebellious **Welsh**: At the same time also **Griffin** the Son of **David**, the most potent Man of the **Welsh** promised the King his utmost assistance, if he would enter **Wales** with force.

The King having so advantageous an Offer made him, joyfully accepted it, and [1] summoned all who ought Military Service, to meet him at **Glocester** with Horse and Arms in the beginning of Autumn; and from thence with a great Army he marched towards **Chester**, which so affrighted **David**, that he capitulated, and freed his Brother from his imprisonment, and delivered him to the King, whom He sent with several other Noblemen of **Wales**, that were the hostages of **David**, and other **Welshmen** to **London**, under the conduct of **John de Lexington**, to be secured there in the Tower. Eight days after **Michaelmas**, **David** came to **London**, and having done his Allegiance, and taken an Oath of all manner of Fealty and Security to the King, he was dismissed in peace, and so returned home. These things were done between the 8th of September, and **Michaelmas**.

The exact History of this **Welsh** Transaction was thus. The King had [2] summoned **David** Prince of **North-Wales**, to appear before him at **Worcester**, to appoint Arbitrators in the room of such that were named in the Instrument of Peace made between them the year before (who were then beyond Sea) that they might do Justice according to that form of Peace. He came not, but sent three Messengers, one of which came to the King, without power to do what was required: Whereupon the King on the 19th of February, Commands him by virtue of his Allegiance, all excuses laid aside, personally to appear at **Shrewsbury** on the Sunday before Palm-Sunday before such as he should send thither to transact that Affair.

On Sunday [3] next before the Invention of Holy Cross, in the year 1241. (that is before the 3 of May) the day assigned to him, and the Marchers to appoint Arbitrators in place of those beyond Sea, to do, and receive Justice according to the form of Peace between the King and him; his Procurators or Commissioners appeared with full power to do what was desired. **Ralph Bostimer**, **Roger Steward** of **Chester**, and **Griffin** for themselves, and other Marchers appeared, and desired Justice might presently be done, according to the proof of Witnesses at **Shrewsbury**, before **Stephen de Bergrave**, and his fellow-Judges, who were there instead of the King. After two days wrangling, instead of **Otto** the Legat, the Bishops of **Worcester** and **Notwich**, the Bishop of **Exeter**, **John Fitz-Sey**, **Percebert Fitz-Warham**, and **Walter de Clifford** were appointed Arbitrators: And a day was appointed a Moneth after Whitsunday at **Danelord-bridge** beyond **Shrewsbury**, to hear what could any

any ways be proved concerning the injuries done on either side, and on that day, another day was appointed for Judgment to be given by the Arbitrators, according to the proof before them.

Not long after this, the King was informed, That [4] **David** contrary to his Oath given unto him, had confederated with, and drawn off the Brothers of **Griffin** Son of **David**, and certain of the Kings Men in **Here**, who had done Homage to him, from their Service and Fealty, and had received them into his Countrey; and that he intended to commit Burnings and Slaughters in the Lands of **Ralph Bostimer**, and other his Feudatories: That he had by force seized the Lands of **D. Gaghan** and his Nephews, against Justice, which were adjudged to them in his Court; That he had caused a Ship of Chester to be stayed in his Countrey, laden with Wheat and other Victuals, making no satisfaction to such as ought the Goods: That when he sent his Commissioners to **Shrewsbury**, in contempt of the King, he neither came, nor sent any Procurators to meet them. Whereupon he wrote to him on the 14th of July, that he should not omit to let him know before the First of August, what satisfaction he would give for these Injuries.

Before the 15th of that Moneth [5] **Senana** the Wife of his Brother **Griffin** came and complained to the King, That **David** had imprisoned her Husband, with his Son **Owen**, and in the name of her Husband, offered the King 600 Marks, to cause her Husband and Son to be released out of prison, so as he might stand to the Judgment of his Court, whether he ought to be kept in prison; and that the King afterwards would by the Judgment of his Court according to the Law of **Wales**, cause him to have that part of his Fathers Inheritance, which he ought to have, which **David** by force withheld from him. And **Senana** undertook that her Husband and his Heirs should pay to the King and his Heirs for ever, 300 Marks a year; a Third part in Money, a Third part in Oxen and Cows, and a Third part in Horses at **Shrewsbury**, to the Sherif of **Shropshire**. She undertook further for her Husband, That if at any time any **Welsh-man** rebelled against the King or his Heirs, he would at his own cost compel him to give satisfaction; and for the performance of all this, in the name of her Husband **Griffin**, gave to the King as Pledges, **Ralph Bostimer**, **Walter de Clifford**, **Roger de Pontelato** Steward of **Chester**, **Wailgun** Son of **Wailgun**, **Percebut** Son of **Robert**, **Griffin** Son of **Waddok** de **Bannfeld**, **Dowel** and **Percebut** his Brothers, **Griffin** Son of * **Wennewen**, who all undertook for **Senana**, and gave the King their [6] Charters, That what she propounded should be performed.

And all the Noblemen of **Wales** that favoured **Griffin**, swore Fealty to King **Henry**, and gave him their [7] Charters That they would faithfully serve him with all their force and power all days of their life, when ever he wanted their assistance; and that they would observe the Truce between them and **Ralph Bostimer**: And for the observation of these things, they put themselves under the Jurisdiction of the Bishop of **Hereford**, or Bishop of **Exeter**, which the King should choose, to Excommunicate them, and all theirs, and Interdict their Lands, if they did any thing contrary to this Agreement, which was Signed August the 16th.

Eccc 2

[4] Append. n. 166. The King had notice of a Confederacy against him by Prince David.

The King writes to him concerning them.

[5] Append. n. 167.

* He was Lord of Powis. [6] Append. n. 168.

[7] Append. n. 169.

On

[8] Append.
u. 170.

On the 29th of the same Month Prince David Sealed his [8] Charter of Submission to the King; First, That he would deliver his Brother Griffin or Gruffith and his Son to him.

Secondly, That he would stand to the Judgment of the Kings Court, whether Griffin ought to be prisoner or not; and also for the Portion of his Fathers Inheritance, which he claimed according to the Custom of Wales, and should hold that Land of the King in Capite.

Thirdly, That he should restore to Roger de Monte-Alto Steward of Chester, his Land of Pontarf, (or as it is commonly called) Mauthant, or Mould, with its Appurtenances.

Fourthly, That he should restore to other Barons, all such Lands, Lordships, and Castles, as had been taken from them, since the beginning of the Wars, between King John and his Father Lewelin, Prince of Wales.

Fifthly, That he would defray all the charges of King Henry in the last Expedition against him.

Sixthly, That he would make satisfaction for all the Injuries done by him or his, unto the King or his People. That he would restore unto him all the Homages which King John had, or that he ought to have, especially of the Noblemen of Wales.

Sevently, The Land of Ellesmer with the Appurtenances, was to remain to the King for ever.

Eighthly, That he should not receive any of the Kings Subjects within his Countrey of Wales, that were Outlawed, or Banished.

Ninthly, And that for the performance of this, he would give Pledges and Security according to the Kings Will and pleasure, and would do all his Commands, and stand to the Law in his Court.

[9] Append.
n. 171.

After this, on the 31 of August [9] he made his Chart to the King, freely and willingly: That he and his Heirs should faithfully serve the King and his Heirs, and assist him all days of their lives; and if at any time they should be contrary to that engagement, then all his Lands or Countrey should be forfeited to him; and He and his Heirs should enjoy them for ever. And for the greater Declaration of this Matter, he caused the Bishops of Bangor and St. Asaph to put their Seals to this Chart.

[7] fol. 570.
n. 40.
Tinn-Mines
first discovered
in Germa-
ny.

This year [7] Tinn-Mines were first discovered in Germany, and by reason of the Purty and Quantity of that Tinn, the price of that Metal was much lessened here, for before that time none had ever been heard of but in England.

About

About this time [8] Walter Marechal, Brother to to Gilbert late deceased, applied himself to the King for his Office and Inheritance. But the King in great rage and fury denied him both, urging against him the Treasons and disobedience of his Brothers, and his own unprofitableness [9]. But at length through the intercessions of the Queen, the Bishop of Durham and some other Noblemen, He was prevailed with on the Sunday before All-Saints, to restore him to the Honors, Office, and Estate of his Brother, and to invest him with his Earldom, and Marefcalcie, reserving only to himself two Castles in Wales, Raermarden and Cardigan, which he Garrisoned to secure his new Acquisitions there.

This year [1] August the 22. dyed Pope Gregory, and the Emperor dispatched a Messenger to give King Henry speedy notice of it, that he might seize the Money the Popes Collectors in England had gathered for his use; but they were too quick for him, and escaped into France with all their prey, but were met with by the Emperors Servants, taken and imprisoned, and all their Money and Treasure paid into the Imperial Exchequer.

About the same time dyed [2] Alieno, the Daughter of Geoffrey Earl of Britany, having been kept in prison many years; by whose death without issue, King Henry had a direct Title to the Crown, which he had not before.

In the year 1242. King Henry at [3] Christmas held his Court at Westminster, where Peter of Sabyon Earl of Richmond resigned up into the Kings Hands all those Castles that were committed to his custody, lest his sudden advancement should displease the Great Men of England, and then designed to return into his own Countrey, but before he had taken Ship he was remanded by the King, and was constrained to be Governor of Dover Castle.

This year the [4] Earl of March refused to do Homage to Alphonse Earl of Poitou, the King of France his Brother, and applied himself to the King of England for Protection, perswading him, that by the help of the Poitevins and Gascoignians King of Aragon, and Earl of Chobuse, he might easily recover those lost Dominions.

The King giving credit to these fair pretences [5] Scriptis omnibus suis Magnatibus Anglie, Archiepiscopis, Episcopis, Abbatibus, Prioribus, Comitibus & Baronibus districe precipiens ut omnes generaliter Londinum die Martis proximi ante Purificationem B. Virginis convenirent de Arduis negotiis dilationem non capientibus cum summa deliberatione tractaturi, Wrote to all his Great Men of England, Arch-Bishops, Bishops, Abbats, Priors, Barls and Bivons, streightly Commanding them, That they should all meet at London, on Tuesday before Candlemas-day, to Treat with great Deliberation of such difficult Matters as would not bear any delay.

[8] fol. 571.
n. 40.
Walter at first
is refused, but
afterward is
restored to the
Earldom and
Marefcalcy of his
Brother.
[9] fol. 573.
n. 10.
A. D. 1241

[1] fol. 574.
n. 10. and fol.
573. n. 50.
Pope Gregory's
death.
His Collectors
were too nimble
for King Henry.

[2] fol. 574. n.
40.
A. D. 1241.

A. D. 1242.
[3] fol. 578.
n. 50.

Peter of Sabyon
resigns up all his
Castles into the
Kings hands.
But is forced to
be Governor of
Dover Castle.

[4] fol. 579.
n. 10. 10. 30.
The Earl of
March refuses
to do Homage
to the Earl of
Poitou.

[5] Ibid. n. 40.
King Henry is
engaged in the
quarrel, and
calls a Parliament
at London.

The

[6] *Ibid.* n. 70.
Earl Richard returns into England.

The day after [6] *Epiphany* Richard Earl of Cornwall the King's Brother, Landed at Dover, and was received by the King, Queen and Nobility with all demonstration of Affection and Joy, together with variety of presents. Soon after his return to Court, the *Poistovins* endeavoured what they could to incline him to a War with France for the recovery of *Poitou*, and had confirmed the King in his resolution to Attempt it.

[7] fol. 580. n. 40, 50.
The Parliament are against the Kings engaging in a War with France.

At the day appointed the [7] Nobility of all England, as well Prelates as Earls and Barons met at London, according to their Summons. *Totius Angliæ Nobilitas tam Prælatorum quam Comitum ac Baronum secundum Regium præceptum est Londini congregata.* When they were assembled, and understood that the Earl of *Barth* had moved the King to undertake a War against France, they resolved to oppose both him and the *Poistovins* who advised it, adding That they had been Taxed and Pillaged at the meanest of Slaves, and what had been thus extorted, was unprofitably spent, and therefore would not consent any more Money should be granted, to be so vainly wasted and consumed. When the King saw he could not prevail with the whole, he would try what he could do with them severally, and sent for them one by one, urging that such an one had promised so much, and another the like; but this stratagem only took with a few, and proved ineffectual, as to the Majority. Then he attempted those Great Men that were his Favorites and Domestic, urging that they were Military men, and ought to be very desirous to have the ancient Rights of the Kingdom recovered, and to have injuries repressed by force of Arms, therefore he wondred with what confidence they could oppose and desert him, when he had promised and sworn to prosecute what he had undertaken. They answered, that great sums of Money had been granted already, and the Profits of the Crown had been extraordinary, and all this Treasure was wasted and spent; and the Kingdom nothing advantaged by it. [8] Moreover, they very much wondred he should undertake so hazardous a War, without ever consulting his natural Subjects; and that the Truce between him and France was not yet expired, which they had both sworn inviolably to observe. Besides, those Great Men that advised him to this War, were the King of France his Subjects, and he could expect but little faith from such, who had proved Traitors to their natural Prince: Adding, the unsuccessful Attempts that many of his Predecessors had made in this nature. [9] When the King heard their Answer he was much moved, and in great passion swore, That their words should neither affright nor hinder him from prosecuting what he had designed; but that after Easter he would pass over Sea, and try the fortune of War and so the Parliament was Dissolved.

[8] fol. 581. n. 10.
Reasons against undertaking the War at that juncture.

[9] *Ibid.* n. 10.
The King resolved to pursue the War.

Paris inconsistent with himself in this matter.
[1] *Ibid.* n. 20, 30, 40, 50.
A different Account of this Conference.

This is the Monk's own account of this Colloquium or Parliament, wherein he mentions much ill and harsh Language which was given unto the King by the Great Men Face to Face: But in the Relation that immediately [1] follows this, which he says was Written as a perpetual Memorial of the Barons Answer to the King, it appears they never spake, or had Conference with the King, but heard his Pleasure and the Business he had with them, from his Commissioners or Messengers, *Walter Archbishop of York, Richard Earl of Cornwall,* and

and *Walter Provost of Beberley*: By whom they advised the King to send to the King of France for amends, if he had done any thing contrary to the form of the Truce between them, and not to Declare War until the time of it was expired: If he had done any Injury, and that it could be proved, and denied Restitution, they would assist him according to their Abilities: They counted many Aids they had given him, and remembered especially the last of a 30th part of their Moveables, which was by stipulation to have been expended by the advice and oversight of four Barons for the Benefit of the King and Kingdom. And seeing they had not heard of any expended by their Advice, they did believe the King had all that Money by him, which he might now make use of; and told them the King by keeping many Bishopsricks in his hands, by the Escheats of the Lands of Earls Barons, and Knights, by Fines and Amerciements, his Itinerant Justices had set upon Counties, Hundreds, Cities, Burghs, and Towns, had of late raised a great Summ of Money; When the Kings Commissioners asked them, What if the King of France should break the Truce before it expired? And promised them in behalf of the King, That if he had done any Injury to any of the great men, he would make satisfaction according to the Judgement of Peter of Savoy, and others of his Council: To the first the Barons Answered, as they had before concerning him. To the Second they said, they had heard those things formerly, when they Granted the 30th part of their Moveables. But whether they had been performed, they left that to the King himself, and so remained Resolute in not Granting the King an Aid. Not one Word here of any Billingsgate Language, or Revelling of the King, with which the Monks report doth very much abound.

When King Henry's [2] Designs were known to the King of France, he prepared 24 Gallies to hinder the English from landing at *Robert*, in the mean time King Henry was only busied in providing money; for the Earl of *Barth* had promised to procure Men enough; Then Peter of Savoy, Earl of Richmond, and Peter [3] Bishop of *Hereford* were sent into *Poitou*, to secure the King of England what assistance and friends they could among the *Poistovins*; But both of them very hardly escaped being taken by the French, returned again to England without effecting any thing to purpose.

Against Easter [4] the King sent out Summons to those that ought him Military Service, to meet him at *Portsmouth*, not with Horse and Arms according to the usual tenor, but (in lieu of their Service) with a great Summe of Money (*cum Magna pecunie summa*.) Then the King having committed the custody of the Kingdom to the Arch-bishop of *York*, and received into his favor the Bishop of *Chichester*, formerly his Chancellor, and recalled *Walsh Fitz Nicholas*, and *Godfrey Crauncumb*, he took Ship at *Portsmouth* with Queen *Alenore*, Earl *Richard*, and seven other Earls, and landed in *Gasconny*, where they were received by *Reginald de Montibus*, and the Great Men of that Country; and for the better security of his Affairs at home, a Marriage was agreed upon between the King's eldest son to the King of Scots, and Margaret his Daughters; and that part of the Kingdom which bordered upon Scotland, was committed to the Care of that King, at the time he should be beyond Sea.

[2] fol. 582. n. 40.
King Henry prepares for his Expedition The Earl of March his promise.

[3] f. 583. n. 10.
The Kings Messengers to the Poistovins hardly escaped the French
[4] *Ibid.* n. 20.
The Kings Summons to the Military Men not in the usual Tenor. He commits the Kingdom to the Arch-Bishop of York, and passes over Sea. A contract between his Daughter and the King of Scots eldest Son.

The

[7] fol. 584.
n. 30. 40.
The number
and quality of
the French
Army.
[6] fol. 587.
n. 10
King Henry
sendeth Mes-
sengers to the
King of France
They are
kindly recei-
ved, and An-
swered.

[7] Ibid n. 30.
[8] fol. 588.
lin. 1.
King Henry re-
sisteth the
offers of the
King of France
[9] Ibid, n. 10.
The King of
France con-
cerned for the
Oath of his
Father Lewis
to King Henry.
His scruples
are satisfied.
His Successes
against the
Earl of March
his Castles.

They all Sur-
render or Ca-
pitulate.

[1] fol. 589.
l. 1.
The Earl of
March repents
him that he
had engaged
himself against
his own King.
King Henry
put upon
great difficul-
ties and dis-
tresses.

[2] Ibid, n. 50

The King of France was not idle all this while, but [5] prepared a great Army, which consisted of 4000 *Knights* exactly Armed, and 20000 *Esquires* or Servants, *Crisbow men*, and *Common Soldiers*, besides a daily confluence of men from all parts of his *Dominions* towards *Poitou*. He marched with his Army, and set down before *Fontenay* a *Castle* of the Earl of *Barth*. In the time of the Siege, the King of England sent *Ralph Fitz Nicholas*, and *Nicholas de Bois* to the King of France, to [6] declare War unless he would submit to his desires. The King of France received them *very kindly*, and answered, that he was so far from breaking the *Truce*, that he was willing it should be continued [7] three years longer, and would consent he should have delivered to him the greatest part of *Normandy* and *Poitou*; but wondered his *Confin* of England should think that he infringed the *Truce* in the least, which he endeavoured only to *correct* and *repress* the insolence of his own men (*tuos homines*) that proved *Rebels* and *Traitors* to him; and that he should be so much concerned for the Earl of *Barth* and *Choulose*, and thought he had violated the *Truce* in receiving and encouraging his *Rebellious Subjects* and *Enemies*. With this Answer the [8] *Messengers* returned to the King of England, who would not hear of renewing the *Truce*, but sent some *Hospitaliers* in his Name to *desse* the King of France; who now began to [9] repent he had made so fair *Overtures* for Peace, and expressed his Sorrow that the King of England should be thus wheedled by the *Earls* of *Barth* and *Choulose*; and shewed himself most concerned for the *Oath* his Father *Lewis* had made to *King Henry* when he left England. But one of his *Great Men* replied, That that *Oath* was *mutual*, and that the King of England had violated his part, when he broke his promise to *Lewis* his *Accomplices*, and caused *Constance* a *Citizen* of *London* to be hanged, for defending your *Father's Honor*. This satisfied the King's *Scruples*, and then he proceeded to make a vigorous attack upon the Castle, which after 15 days Siege was taken by assault; contrary to the confidence of all the *Poissins*, and the Earl of *Barth* his Son, and all his *Accomplices* were made Prisoners. When some that were about the King advised that they might be executed for a Terror to other *Rebels*, He replied; The Son obeyed his Father, and the rest the *Command* of their Lord, and upon that Account neither of them deserved Death; however, he sent them Prisoners to *Paris*, and there to be secured. This put the rest of the *Defendants* of the Earl of *Barth* his Castles into such an Affright, that some of their own accord came in, and delivered up their Keys to the King of France, and others capitulated upon his appearing before them.

These uninterrupted Successes made the [1] Earl of *Barth* and his *Partisans* almost desperate, who now began to repent they had engaged themselves against their own Lord the King of France. In the mean time the King of England came before the City of *Caister*, and pitched in a Meadow over against it. When the King of France heard of it, he marched with his Army towards that place; As soon as the *Citizens* had notice of his approach, they went out to meet him, and surrendered their City to him, and invited him to take possession of it. When the King of England saw himself thus disappointed, and that he must now fight the French with the men he had with him, [2] He called to the Earl of *Barth*, and asked

how

how he had performed his promise of procuring Men enough to baffle the French, if he supplied them with Money: The Earl replied, He never made any such promise. Then Earl *Richard* produced the *Chart* of Agreement between them. He denied that it was ever made, or sealed by him, or that he had ever encouraged the undertaking this expedition; but it was [3] the contrivance of his Wife and his Mother. When the King heard the Earl's Reply, he was very much concerned, and Earl *Richard* seeing the danger the King was in, of being made prisoner, [4] disarmed himself, and with a Staff in his Hand went to the French Camp, where he was kindly and honorably received: and being introduced to the King's Presence, he desired a *Truce*, which the King granted for one day, and a night following: As soon as the Earl had obtained this *Truce*, he returned to King Henry, and advised him to make his escape with as much speed as he could, otherwise he would be taken prisoner [5]. The King followed his advice, took Horse at night, and never stopped till he came to *Faines*; the whole Army followed him, but with great hazard, and some loss: Next day the King of France decamped, and marched with his Army towards *Faines*; after some few days both Armies met and fought, and had the English [6] equalled the French in number, they had gained an entire victory. The number of those that were slain on either side is not mentioned, but the Prisoners that were taken were exchanged. Those that behaved themselves with Courage and Resolution in this Battle, were *Simon Montfort Earl of Leicester*, the Earl of *Salisbury*, the Earl of *Wolfolk*, *Roger Bigod*, *John de Burgo*, *Matin de Montchensy*, *Hubert Fitz Warthen*, *Ralph Fitz Nicholas*, with some others.

When the [7] Earl of *Barth* saw how successful the King of France was in every thing he attempted, and that his strength daily increased; He began to consider how he should regain his Favour, and be reconciled unto him. He therefore privily sent to the Earl of *Byttrayn*, that he with the Bishop of *Saints*, would use their endeavours with the King of France to procure his Pardon. Upon this they both went to the King, and assured him, That the Earl of *Barth* was sensible how much he had offended against him, and his Crown; and implored his Mercy and Favour; adding, he might receive him under what conditions he pleased.

The King of France [8] accepted the offer, and was reconciled unto him, upon these Terms, That whatever that King had possessed himself of the *Earls*, during this War, should be for ever annexed to the Crown; and also, That all those Castles that were in his possession, whether they were his own or his friends, which were thought to be injurious to the King of France, should be delivered into his hands for three years, and then not to be restored unless the King was satisfied of his *Fidelity*: That He should with 200 armed Men enter into his Service, and faithfully serve him for three years, at his own charges, against all enemies of the Church or Crown of France. Moreover, he should surrender up his *Charters*, whereby the King of France was obliged to pay him 10000 l. a year for defence of the *Marches*, and should quit any such claim for the future. [9] To these hard Conditions he was forced to consent to obtain his pardon, and was presently sent against the Earl of *Choulose* his old friend, and

F f f f

the

The Earl of
March denies
his promise
made to him.
[3] fol. 590.
lin. 1. 2. 3. 4.

[4] fol. 590.
n. 10.
Earl Richard
goes to the
French Camp,
and obtains a
Truce.

[5] Ibid. n.
10.
King Henry's
flight to
Faines.

[6] Ibid n.
40.
A Fight be-
tween the
English and
French.

[7] fol. 591.
n. 10. 20.
The Earl of
March endeavours
to be
reconciled
to the King of
France.

[8] Ibid. n.
30. 40.
The Terms
upon which he
made his
Peace.

[9] Ibid. n.
50.
He enters in-
to the King
of France
his Service.

the King of England: *Confederate*. This was all done without the knowledge of King Henry; who had by [1] *Charter* given the City of *Faints* to Hugh *Baron* and the *Earl* of *Barth* his Son, and his younger Brother, without the *privy* of the *Citizens*, whereby the King lost their Affections, for that they hated Hugh. However, he thought himself safe and secure there, till he was informed by one from the *French Camp*, that that King [2] designed to come and besiege that City very suddenly, and was resolved not to rise till he had made him prisoner, which was confirmed by another, who likewise assured him, that the *Earl of March* was revolted to the *French*, and if He continued there one night longer he would be besieged. King Henry being by this *Second Messenger* confirmed in his belief that the news was true, fled to *Blais*, a Town in *Gascony*, about 40 or 50 *English* miles from *Faints*, and his Army followed, but were so harassed with the length and suddenness of the March, that they were unfit for any service. Upon this, *Faints*, *Pons*, and all *Poisson* forthwith submitted to the King of France; only *Vertolous* Governor of [3] *Strabell Castle*, went to the King of England, and implored his protection; to whom the King replied, He was betrayed by the *Earl of Barth*, and was scarce able to secure his own person, and therefore gave him leave to act according to his own discretion. Then he went to the King of France, and submitted himself to his *Mercy* and *Protection*; to whom the King replied [4] That He only had behaved himself faithfully to his King, and therefore received the *Castle* and himself very kindly; and having first taken his Oath of *Faith*, he restored it to him again.

William de [5] *Wangis* in the Life of King *Lewis*, in this year, and in the relation of this Story, in some things is more particular, in some things less than *Paris*, in the main of the Story they agree: The *French Historian* saith, The *Earl of Barth* sent his eldest Son *Hugh*, who made peace with the King of France upon these Terms, That such Lands as the King of France had taken from his Father, should remain to the *Earl of Poitou*, the King of France his Brother, and his Heirs; That concerning the Rest of Land, the *Earl of Barth* and his Wife, with their Children, were to stand to the Pleasure and *Cohortise* of the King of France; and for the security of the King of France, the *Earl* was to deliver his three strong Castles, *Millpinum*, *Berpin*, *Crosantum*, his Castle upon the River *Crois* or *Creuse*, and *Castum Richardi*, *Castle Richard*, which presently received his Garrison, and most of the *Barons* and *Great Men* of *Poisson* did homage to the King of France.

The day after [6] *Midsummer*, *Queen Alienor* was brought to bed of a Daughter at *Burdeur*; which was named *Beatrice*. In the mean time the King of France purposed to pursue the King of England to *Blais*, and from thence to *Burdeur*, if he fled thither. But want of *Victuals* and *Forrage*, and the *Pestilence* which raged in his Army, together with his own illness, made him alter those measures he had before resolved upon; and instead of fighting, he made a Truce with the King of England for [7] five years, and then returned into France by *Faints*, and in a short time recovered his health.

[1] fol. 192.
n. 10.

King Henry
loseth the
affections
of the Citizens
of *Faints*.

[2] Ibid. n.

He's certified
the King of
France de-
signed to be-
siege that
City.
His flight to
Blais.

All *Poisson*
submit to the
King of
France.

[3] fol. 193.
n. 50.

Vertolous
his fidelity to
King Henry.

[4] fol. 194.
n. 20.

He's kindly
received by
the King of
France.

[5] fol. 111.
413.

William de
Wangis his
relation of
this story.

[6] *Paris* fol.
194. n. 30.

Queen Alienor
brought to
bed of a
Daughter at
Burdeur.
A Truce be-
tween En-
gland and
France for
five years.

[7] *Wangis* de
Gestis, l. 414. n. 40.

This year the King of England required [8] *Scutage* to be paid him throughout all England, of every *Knights Fee* three *Markes*; or as others, but Twenty *Shillings*. About *Michaelmas* the *Earl Bigod*, *Roger Earl of Winchesster*, and many other *Great Men* came to the King, and desired leave to return into England, which was granted. [9] At the same time the King treated *William de Ros* very unkindly, who after he had spent his Money in the *Kings Service*, and not having wherewithal to maintain himself, had his Lands seized without judgment of his *Peers*. When *Earl Richard* perceived how hardly he was dealt withal, He went to the King and blamed him for it, but the King received him with great *Passion*, and *Threats*. *Earl Richard* made no return, but when he saw the King continued resolute, and would not be guided by his advice, [1] He, *William Earl of Barsethal*, the *Earl of Hereford*, and many other *Great Men*, left the King at *Burdeur*, with his *Queen*, and took Ship and came over into England.

In October King Henry [2] sent to the Archbishop of *York* (to whom he had committed the Government of the Kingdom in his absence) Commanding him to take the Grain of the *Archbishopric* of *Cantruchurp*, and all other *Bishoprics* that were void, with *Bacon*, *Salt*, and other winter *Provision*, together with Cloth to make *Garmments*, and without delay to send them to him at *Burdeur*, which was done according to his desire: Moreover, he commanded the *Arch-Bishop*, that he should seize and confiscate the Estates of those that withdrew themselves from his Service; but the *Arch-bishop* prudently declined to execute his Command, because necessarily forced them to retire; and also they that continued with the King at *Burdeur*, namely *Simon Earl of Leicester*, *William Earl of Salisbury*, and some other *Noblemen*, contracted such great Debts that they were reduced to penury. The King likewise gave himself wholly up to softness, and unprofitable expence of Money, and was now altogether guided by the Counsels of the King of *Aragon*, and *Earl of Choulose*, who never stood by him at any time, when necessity pressed him, but was ever deluded and defrauded by them, the *Poitouvins*, and *Gascoignians*; [3] so that notwithstanding he had so many supplies of Money, and *Provision*, and *Cloaths* for his Soldiers, yet he was [4] reduced to so great and urgent necessities, that He again wrote to the *Arch-Bishop* of *York*, to desire of the *Cistercian Order* One years profit of all their Wool; from which they endeavoured by plausible pretences to excuse themselves; but when pressed by the *Arch-Bishop* to a compliance with the King's desires, who always was ready to supply their necessities, One of the *Abbas* of that Order answered, That the King was sworn to do Justice, and they never desired any thing of him in special, which he was not obliged to do for them in general. If [5] he would give them any thing for the Health of his Soul, or of his *Ancestors Souls*, or the State of his Kingdom; they were ready to receive it.

[8] *Paris* fol.
191.

n. 30. and fol.
197. n. 10.

Three *Markes*
upon every
Knights Fee.

Several *Great*
Men de-
leave to re-
turn into
England.

[9] Ibid.
n. 50.

The King's
unkindness
to *William de*
Ros.

Earl Richard
represents
his hard usage
to the King.

[1] fol. 196.
n. 10.

[2] Ibid. n.

107. 30. 40.
A. D. 1242.

The King
writes to the
Arch-Bishop
of *York* to
send him *Pro-*
visions.

He sent
10000 Quar-
ters of Wheat
1000 Quar-
ters of Oats,
and as many
Bushels.

And to enter
upon their
Estates who
left this Be-
vice.

The King's
truelth to
Foreign
Counsellors,
and is deceived
by them.

[3] fol. 197.
n. 20.

[4] Ibid. n.

101. 30. 40.
He desires one
years profit of
the *Cister-*
cians *Wool*.

He desires one
years profit of
the *Cister-*
cians *Wool*.

He desires one
years profit of
the *Cister-*
cians *Wool*.

He desires one
years profit of
the *Cister-*
cians *Wool*.

He desires one
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He desires one
years profit of
the *Cister-*
cians *Wool*.

An. D. 1243.
[6] fol.
198. n. 10.
[7] Ibid. n.
40. 50.
The King
sends to the
Arch-Bishop
for a supply of
Provision of
Viduaals and
Money.
[8] Ibid.
n. 40.
The Wardens
of the Cinque
ports refuse
to carry it.

In the Year 1243. King [6] Henry remained all Winter at *Burdeaux*; from whence in the beginning of *March* following he again [7] wrote to the Arch-Bishop of *York* to send him *Provision* and *Money*, complaining he had received neither, since the *Abbat* of *Eberham* came to him. This amazed the Arch-bishop who had so lately sent such large supplies of both; from hence he conjectured the Sea had devoured it: Wherefore he made further Provision both of *Viduaals*, and *Money*, and designed to send it unto him; but the [8] Wardens of the Cinque-ports refused to undertake it, unless he would provide a *Convoy* of ships sufficient to protect them against the *Pyrrakes* of the *Earl of Brittain*, and his *Calefians*, who had already thrice set upon them, and spoiled them to their irreparable loss, and damage, both of *Men, Ships, and Goods*. When the Arch-bishop heard their Answer, He signified the same to the King, and desired [9] him to hasten his return into *England*.

[9] fol.
199. n. 10.
1. Fol. 600.
The Truce
between Eng-
land and
France confir-
med.

On *St. Gregories Day* (*March* 12th) the [1] Five years Truce between the King of *England*, and *France*, were confirmed; and by *Agreement*, the King of *France* was to retain what he had got by the *Sword*; and what the King of *England* had acquired by the help of the *Gasconians* was to be Restored to him.

[2] Ibid. n.
40. 50.
The King's pa-
ssage into Eng-
land delayed
by many Acci-
dents.
He commits the
Government of Gas-
cogne to Nicho-
las de Molis.

About this time, [2] the King wrote to the Arch-bishop, to provide such as might secure his passage into *England*, commanding all the *Great men* to be in a readiness at *Portsmouth* to receive him at his Landing, but by many accidents his passage was delayed; the *Queen* was scarce recovered from her Childbed; the *Citizens* of *Burdeaux*, and all the *Gasconians* were unwilling to part with so profitable a *Guest*, who was so generous in his distributions; and after he was shipped, he was forced to return again to *Burdeaux*, to quiet the Tumults that arose among the *Gasconians*; whereby the Arch-bishop and *Great men* of *England* were wearied out with long attendance. At length after he had settled *Gafoigny*, and committed the Government of that Country to *Nicholas de Molis*, he again took Ship, and landed at *Portsmouth* on the 25 of *September*, and was received at [3] *Winchester* by almost all the *Nobility*, with all demonstration of Joy and thanks, and by the *Citizens* of *London* with variety of Inestimable Gifts, and by the *Clergy*, with a *Pompous* and *Sumptuous Procession* on the 13th of *October* following.

[3] fol. 604.
n. 30. 30.
The King re-
ceived by his
Subjects with
the greatest
instances of
Gratitude and
Joy.

This Year on the *Nativity* of *St. John Baptist* *Innocent* the 4th was chosen *Pope*, after One Year, and Nine Months vacancy.

[4] fol. 605.
n. 101.
The Jews for-
ced to pay
great Sums of
money to the
King.
The Religious
made him
great pres-
ents.

This Year the *Jews* [4] were forced to pay to the King great Sums of *Money*, the *Abbats* also and *Priors* presented him with great Gifts, which if they did not in value answer his expectation, He rejected them, and required others of more value.

[5] fol. 606.
n. 40.
[6] Ibid. n. 40.
Earl Richard
married to
Christa Daugh-
ter to Beatrice
Countess of
Provence.

On the first of *November* [5] *Beatrice* Countess of *Provence*, the *Queen's Mother*, came into *England*, and brought with her, her Daughter *Christa*, who was soon after Married [6] to *Earl Richard* at *Westminster* on *Saint Clements-Day*, the 23d of that Month; and th Wedding was celebrated with great *Pomp* and *Feasting*, there

there being no less than 30000 *Dishes* provided for one *Dinner*. *Tringia Millia Ferculorum prandentibus parabantur.*

In the Year 1244. King Henry at [7] *Christmas* was entertained at *Wallingford* by his Brother *Earl Richard*, and nobly treated, as likewise were most of the *Nobility* of the Nation; his Wife *Christa* was there, with *Beatrice* her Mother, who soon after took her solemn [8] leave of the King and Court, took Ship at *Dover*, and passed into her own Country.

About this Time the *Pope* sent Master [9] *Martin* his Legat into *England* with power to *Excommunicate* and *Suspend* whomsoever he should find refractory to his Commands; by which Authority He suspended several *Prelates* until they should make such a provision for the *Popes Clerks* and *Kinsmen* as he desired, who thought any Revenue under 30 Marks by the Year, not worth his receiving, lest he seem to be a *Collector of Triffles*. *Ne quisquiliis colligere videretur.* Moreover he directed his Letters to several *Abbats* and *Priors*, strictly injoining them to send him such *Horses* as were fit for the *Popes special Clerk*, and if they refused or made any *Excuse*, though never so reasonable, they were forthwith *suspended*, (as the *Abbat* of *Salisbury*, and *Prior* of *Merton* were) until they should make full satisfaction, and when any *Prebendaries* of Churches became void, He presently seized them, and by *Virtue* of the *Popes Authority* disposed of them as he pleased, and gave one of the rich *Prebendaries* of *Salisbury* to a little Boy that was his Nephew, against the *Will* of the *Bishop* and the whole *Chapter*.

Near the beginning of this Year the King of *France* [1] assembled at *Paris* all such of his Subjects that had possessions in *England*, and declared to them, That He thought they could not serve faithfully two different Lords at the same time, and then gave them their Choice to whom they would adhere, and after that to relinquish their possessions and Lands in the other *Princes Dominions*. Upon this, some kept their *Estates* in *France*, and left those in *England*; others kept their *Estates* in *England*, and left those in *France*. When this was known to the King of *England*, He commanded the *Normans* *Estates* in his Realm to be forthwith *Seized*, and would not give them their *Liberty of Choice*, as the King of *France* had done; this was by the *French* looked upon to be a breach of the Truce. But their King was not so well recovered, or at leisure to prosecute the violation by a new War, but endeavoured to appease, and repress the querulous *Invectives* His *Norman Subjects* made against the King of *England*.

In February King Henry received [2] Sir *Paulinus Piper*, *Steward* of his Household, and *John Mansell* Chancellor of *St. Pauls* into his Council; and Master *Lawrence* of *St. Martins* was made *President* of his Council, and his *Procurator* in all *Ecclesiastical Affairs*. [3] About the same time *Griffin*, Son of *Leolin* Prince of *North Wales*, Prisoner in the Tower of *London*, endeavoured to make his escape out of Prison, by a Rope fastened to the Top of the Tower; but being a Man of great bulk and weighty, the Rope brake in his descent, and he perished by that fall, which happened on the 1st. of *March*.

[7] fol. 613.
n. 30.
The King and
Court treated
by Earl Ri-
chard at Wal-
lingford
[8] Ibid.
n. 40.
[9] Ibid. n. 50.
Innocent the
4th. Martin
the Pops Legat
sent into Eng-
land with an Exor-
bitant power.
He Excommunicat-
ed according-
ly.

[1] fol. 614.
n. 10.
The King of
France his
Offer to his
Subj. Es that
had Estates in
England. and
France.
The King of
England
would not
consent to it.

[2] fol. 618.
n. 50.
Several new
Counsellors
made.

[3] fol. 617.
n. 20.
The Unfortu-
nate End of
Griffin Prince
Leolins Son.

A. D. 1244.
[1] fol. 63B.
n. 10.
The Welsh
revolt from
King Henry.

This Year notwithstanding their *Oaths Engagements* and *Charts* the *Welsh* men and their *Prince* had made to *King Henry*, [4] they Revolted from his Obedience, and made War upon him and his *Marchers*; who were opposed by the *Earl of Clare*, the *Earl of Hereford*, *John de Monmouth*, *Roger de Montbault*, and other potent *Marchers*; by the *Kings* Command they came to such an *Engagement* as in those Days was called a *Battel*, in which there fell an hundred on both sides.

The *King* on *Barnaby Day*, or the Eleventh of *June*, was at *St. Albans* [5] when he heard this news of the *Welsh*; at which time likewise the *King of Scots*, let him know, That he neither did, would, or ought to hold the least *Particell* of the *Kingdom* of *Scotland* of him.

The year 1244 the *King* [6] Chosen the great

King of France
[9] Ibid. n. 10.
The King of
France concerned for the
Oath of his
Father Lewis
to King Henry.
His scruples
are intimated.
His Successor
against the
Earl of March
his Castle.

They all Sur-
render or Ca-
pitulate.

[9] repent he had made so fair *Overtures* for Peace, and expressed his Sorrow that the *King of England* should be thus wheedled by the *Earls of March* and *Choloute*, and shewed himself most concerned for the *Oath* his *Father Lewis* had made to *King Henry* when he left *England*. But one of his *Great Men* replied, That that *Oath* was *mutual*, and that the *King of England* had violated his part, when he broke his promise to *Lewis* his *Accomplices*, and caused *Constance* a *Citizen* of *London* to be hanged, for defending your *Fathers Honor*. This satisfied the *Kings* Scruples, and then he proceeded to make a vigorous attack upon the *Castle*, which after 15 days Siege was taken by assault, contrary to the confidence of all the *Peasants*, and the *Earl of March* his *Son*, and all his *Accomplices* were made *Prisoners*. When some that were about the *King* advised that they might be executed for a Terror to other *Rebels*, He replied, The *Son* obeyed his *Father*, and the rest the *Command* of their *Lord*, and upon that Account neither of them deserved Death; howbeit he sent them *Prisoners* to *Paris*, and there to be secured. This put the rest of the *Defendants* of the *Earl of March* his *Castles* into such an Affright, that some of their own accord came in, and delivered up their *Keys* to the *King of France*, and others capitulated upon his appearing before them.

These uninterrupted Successes made the [1] *Earl of March* and his *Adherents* almost desperate, who now began to repent they had engaged themselves against their own Lord the *King of France*. In the mean time the *King of England* came before the *City of Caileburgh*, and pitched in a Meadow over against it: When the *King of France* heard of it, he marched with his *Army* towards that place; As soon as the *Citizens* had notice of his approach, they went out to meet him, and surrendered their *City* to him, and invited him to take possession of it. When the *King of England* saw himself thus disappointed, and that he must now fight the *French* with the men he had with him, [2] He called to the *Earl of March*, and asked how

[1] Ibid. n. 10.
The Earl of
March repents
that he
had engaged
himself against
his own King.
King Henry
put upon
great difficul-
ties and dis-
tresses.

[2] Ibid. n. 10

mean time, the *King* on his own accord should Choose such *Counsel-ors*, and so Manage the *Rights* or *Laws* of the *Kingdom* as to satisfy the *Great men*, then they might give him an *Aid*; yet so as it should be Expended for the Benefit of the *Kingdom* by Advice of the *Twelve*.

When the *King* saw he could do nothing with them all together; he [8] tryed the *Clergy* apart, what they would do upon the *Popes* Letter; in which he Required, admonished, and exhorted them to give the *King* a liberal assistance in Money. Their Answer was, They were Engaged, and could do nothing without the *Common Consent* of the *Great men*.

This great *Council* had contrived a new [9] Government, which they intended to have offered to, and put upon the *King*, if they could; To wit, That Four of the most potent and discreet men of the *Kingdom* should be chosen by *Common assent*, and

How the Go-
vernment of
the Kingdom
was to be ma-
naged.

[8] Ibid.
n. 10. fol. 64.
line 1.
The Clergy
required by
the Pope to
give the King
Money.

[9] Ibid.
l. 241.
n. 10. v. 10.
A New Go-
vernment

were taken were exchanged. Those that behaved themselves with Courage and Resolution in this Battle, were *Simon Montfort Earl of Leicester*, the *Earl of Salisbury*, the *Earl of Norfolk*, *Roger Bigod*, *John de Burgo*, *Warin de Montchenty*, *Hubert Fitz Warthw*, *Ralph Fitz Nicholas*, with some others.

When the [7] *Earl of March* saw how successful the *King of France* was in every thing he attempted, and that his strength increased; He began to consider how he should regain his *Patron*, and be reconciled unto him. He therefore privily sent to the *Earl of Brittany*, that he with the *Bishop of Xaints*, would use their endeavours with the *King of France* to procure his Pardon. Upon this they both went to the *King*, and assured him, That the *Earl of March* was sensible how much he had offended against him, and his *Crown*, and implored his Mercy and Favour; adding, he might reduce him under what conditions he pleased.

The *King of France* [8] accepted the offer, and was reconciled unto him, upon these Terms, That whatever that *King* had possessed himself of the *Earls*, during this War, should be for ever annexed to the *Crown*; and also, That all those *Castles* that were in his possession, whether they were his own or his friends, which were thought to be injurious to the *King of France*, should be delivered into his hands for three years, and then not to be restored unless the *King* was satisfied of his Fidelity: That He should with 200 armed Men enter into his Service, and faithfully serve him for three years, at his own charges, against all enemies of the *Church* or *Crown* of *France*. Moreover, he should Surrender up his *Charter*, whereby the *King of France* was obliged to pay him 10000 l. a year for defence of the *Marches*, and should quit any such claim for the future. [9] To these hard Conditions he was forced to consent to obtain his pardon, and was presently sent against the *Earl of Chouste* his old friend, and

between the
English and
French.

[7] fol. 591.
n. 10. 20.
The Earl of
March endea-
vours to be
reconciled to
the King of
France.

[8] Ibid. n.
30. 40.
The Terms
upon which he
made his
Peace.

[9] Ibid. n.
50.
He enters in-
to the King
of France
his Service.

F f f f

the

[1] fol. 592.

n. 10.

King Henry

loseth the

affections

of the Citizens

of Saint.

[2] Ibid. n.

10.

He is certified

the King of

France de-

signed to be-

liege that

City.

His flight to

Blaise.

All Pollou

submit to the

King of

France.

[3] fol. 593.

n. 10.

Heretofore

his Fidelity to

King Henry.

[4] fol. 594.

n. 10.

He is kindly

received by

the King of

France.

[5] fol. 411.

412, 413.

414.

William de

Nangle his

relation of

this story.

[6] Paris fol.

594. n. 30.

Queen Alle-

nor brought

to Bed of a

Daughter at

Bordeaux.

A Truce be-

tween Eng-

land and

France for

five years.

[7] Nangle de

Gesta, Epist.

f. 414. n. 40.

the King of England's Confederate. This was all done without the knowledge of King Henry; who had by [1] Charter given the City of Saint to Hugh and the Earl of March his Son, and his younger Brother, without the privacy of the Citizens, whereby the King lost their Affections, for that they hated Hugh. However, he thought himself safe and secure there, till he was informed by one from the French Camp, that that King [2] designed to come and besiege that City very suddenly; and was resolved not to rise till he had made him prisoner, which was confirmed by another, who likewise assured him, that the Earl of March was revolted to the French, and if He continued there one night longer he would be besieged. King Henry being by this Second Messenger confirmed in his belief that the news was true, fled to Blaise, a Town in Gascony, about 40 or 50 English miles from Saint, and his Army followed, but were so harassed with the length and suddenness of the March, that they were unfit for any service. Upon this, Pons, and all Poitou forthwith submitted to the King of France; only Bertoulus Governor of [3] Mirabel Castle, went to the King of England, and implored his protection; to whom the King replied, He was betrayed by the Earl of March, and was scarce able to secure his own person, and therefore gave him leave to act according to his own discretion. Then he went to the King of France, and submitted himself to his Mercy and Protection; to whom the King replied [4] That He only had behaved himself faithfully to his King, and therefore received the Castle and himself very kindly; and having first taken his Oath of Fidelity, he restored it to him again.

William de [5] Nangle in the Life of King Lewis, in this year, and in the relation of this Story, in some things is more particular, in some things less than Paris, in the main of the Story they agree. The French Historian saith, The Earl of March sent his eldest Son Hugh, who made peace with the King of France, upon these Terms, That such Lands as the King of France had taken from his Father, should remain to the Earl of Poitou, the King of France his Brother, and his Heirs; That concerning the Rest of Land, the Earl of March and his Wife, with their Children, were to stand to the Pleasure and Choice of the King of France, and for the security of the King of France, the Earl was to deliver his three strong Castles, Dillipin, Berpin, Crostanum, his Castle upon the River Grola or Creuse, and Castum Richard, Castle Richard, which presently received his Garrisons, and most of the Barons and Great Men of Poitou did Damage to the King of France.

The day after [6] Midsummer, Queen Eleanor was brought to Bed of a Daughter at Bordeaux, which was named Beatrice. In the mean time the King of France purposed to pursue the King of England to Blay, and from thence to Bordeaux, if he fled thither. But want of Victuals and Forrage, and the Pestilence which raged in his Army, together with his own illness, made him alter those measures he had before resolved upon, and instead of fighting, he made a Truce with the King of England for five years, and then returned into France by Saint, and in a short time recovered his health.

This

This year the King of England required [8] Scutage to be paid him throughout all England, of every Knights Fee three Marks; or as others, but Twenty Shillings. About Michaelmas Earl Bigod, Roger Earl of Winchester, and many other Great Men came to the King, and desired leave to return into England, which was granted. [9] At the same time the King treated William de Ros very unkindly, who after he had spent his Money in the Kings Service, and not having wherewithal to maintain himself, had his Lands seized without judgment of his Peers. When Earl Richard perceived how hardly he was dealt withal, He went to the King and blamed him for it, but the King received him with great Passion, and Threats. Earl Richard made no return, but when he saw the King continued resolute, and would not be guided by his advice, [1] He, William Earl Marshal, the Earl of Hereford, and many other Great Men, left the King at Burdeur, with his Queen, and took Ship and came over into England.

In October King Henry [2] sent to the Archbishop of York (to whom he had committed the Government of the Kingdom in his absence) Commanding him to take the Grain of the Archbishopric of Canterbury, and all other Bishoprics that were void, with Bacon, Salt, and other winter Provision, together with Cloth to make Garments, and without delay to send them to him at Burdeur, which was done according to his desire: Moreover, he Commanded the Arch-Bishop, that he should seize and confiscate the Estates of those that withdrew themselves from his Service; but the Arch-bishop prudently declined to execute his Command, because necessarily forced them to retire; and also they that continued with the King at Burdeur, namely Simon Earl of Leicester, William Earl of Salisbury, and some other Noblemen, contracted such great Debts that they were reduced to penury. The King likewise gave himself wholly up to softness, and unprofitable expence of Money, and was now altogether guided by the Counsels of the King of Arragon, and Earl of Choulose, who never stood by him at any time, when necessity pressed him, but was ever, deluded and defrauded by them, the Poitevins, and Gasconians; [3] so that notwithstanding he had so many supplies of Money, and Provision, and Cloaths for his Soldiers, yet he was [4] reduced to so great and urgent necessities, that He again wrote to the Arch-Bishop of York, to desire of the Cistercian Order One years profit of all their Wool; from which they endeavoured by plausible pretences to excuse themselves; but when pressed by the Arch-Bishop to a compliance with the King's desires, who always was ready to succor their necessities, One of the Abbots of that Order answered, That the King was sworn to do Justice, and they never desired any thing of him in special, which he was not obliged to do for them in general. If [5] he would give them any thing for the Health of his Soul, or of his Ancestors Souls, or the State of his Kingdom, they were ready to receive it.

Ffff 2

In

[8] Paris fol.

594.

n. 30. and fol.

597. n. 10.

Three Marks

upon every

Knights Fee.

Several Great

Men desire

leave to re-

turn into

England.

[1] Ibid.

n. 30.

The King's

unkindness

to William de

Ros.

Earl Richard

represents

his hard usage

to the King.

[2] fol. 596.

n. 10.

[3] Ibid. n.

20; fol. 40.

A. D. 1242.

The King

writes to the

Arch-Bishop

of York to

send him Pro-

visions.

A He sent

10000 Quar-

ters of Wheat

5000 Quar-

ters of Oats,

and as many

Babins.

And to enter

upon their

Estates who

had been se-

ized.

The King is

truster to

Foreigners.

Councils, and

is deceived by

them.

[3] fol. 594.

n. 20. fol. 1.

[4] Ibid. n.

20; fol. 40; fol.

1.

He desires one

years profit of

the Cistercian

Order's Wool.

The King

wishes to suc-

cor their neces-

sities.

One of the

Abbots of that

Order answered,

That the King

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sired any thing

of him in spe-

cial, which he

was not obliged

to do for them

in general.

If [5] he would

give them any

thing for the

Health of his

Soul, or of his

Ancestors Souls,

or the State of

his Kingdom,

they were ready

to receive it.

An. D. 1243.
[6] fol.
198. n. 10.
[7] Ibid. n.
40. 30.
The King
sends to the
Arch-Bishop
for a supply of
Provision of
Victuals and
Money.
[8] Ibid.
n. 50.
The Wardens
of the Cinque-
Ports refuse
to carry it.

[9] fol.
199. n. 10.
1. Fol. 600.
n. 10.
The Truce
between Eng-
land and
France con-
firmed.
1. Ibid. n.
40. 30.
The King dis-
misses into Eng-
land delays
by many Acci-
dents.
He commits
the Govern-
ment of Gas-
cogne to Ni-
cholas de Molis.

[3] fol. 604.
n. 30. 30.
The King re-
ceived by his
Subjects with
the greatest
instances of
Gratitude and
Joy.
[4] fol. 604.
n. 30. 30.
The King re-
ceived by his
Subjects with
the greatest
instances of
Gratitude and
Joy.
[5] fol. 606.
n. 40.
[6] Ibid. n. 40.
Earl Richard
married to
Chiesla Daugh-
ter to Beatrix
Countess of
Provence.

In the Year 1243. King [6] Henry remained all Winter at *Bardeaux*; from whence in the beginning of *March* following he again [7] wrote to the Arch-Bishop of *York* to send him *Provision* and *Money*, complaining he had received neither, since the *Abbat* of *Chesham* came to him. This amazed the Arch-bishop who had so lately sent such large supplies of both; from hence he conjectured the Sea had devoured it: Wherefore he made further Provision both of *Victuals*, and *Money*, and designed to send it unto him; but the [8] *Wardens* of the *Cinque-ports* refused to undertake it, unless he would provide a *Convoy* of ships sufficient to protect them against the *Pirates* of the *Earl of Britain*, and his *Calestians*, who had already thrice set upon them, and spoiled them to their irreparable loss; and damage, both of *Men*, *Ships*, and *Goods*. When the Arch-bishop heard their answer, He signified the same to the King, and desired [9] him to hasten his return into *England*.

On *St. Gregory's Day* (*March* 12th) the [1] Five years Truce between the King of *England*, and *France*, were confirmed; and by Agreement, the King of *France* was to retain what he had got by the *Sword*; and what the King of *England* had acquired by the help of the *Gascons* was to be Restored to him.

About this time, [2] the King wrote to the Arch-bishop, to provide such as might secure his passage into *England*, commanding all the *Great men* to be in a readiness at *Portsmouth* to receive him at his Landing, but by many accidents his passage was delayed; the Queen was scarce recovered from her Childbed; the *Citizens* of *Burdeaux*, and all the *Gascons* were unwilling to part with so profitable a *Guest*, who was so generous in his distributions; and after he was shipped, he was forced to return again to *Burdeaux*, to quiet the Tumults that arose among the *Gascons*; whereby the Arch-bishop and *Great men* of *England* were wearied out with long attendance. At length after he had settled *Gascogne*, and committed the Government of that Country to *Nicholas de Molis*, he again took Ship, and landed at *Portsmouth* on the 25 of *September*, and was received at [3] *Winchester* by almost all the *Nobility*, with all demonstration of Joy and thanks; and by the *Citizens* of *London* with variety of Inestimable Gifts; and by the *Clergy*, with a *Pompous* and *Sumptuous* Procession on the 12th of *October* following.

This Year on the *Nativity* of *St. John Baptist* *Innocent* the 4th was chosen *Pope*; after One Year, and Nine Months vacancy.

This Year the *Jews* [4] were forced to pay to the King great Sums of Money; the *Abbats* also and *Priors* presented him with great Gifts, which if they did not in value answer his expectation, He rejected them, and required others of more value.

On the first of *November* [5] *Beatrix* Countess of *Provence*, the Queen's Mother, came into *England*; and brought with her, her Daughter *Elisabeth*, who was soon after Married [6] to *Earl Richard* at *Westminster* on *Saint Clement's Day*, the 23d of that Month; and th Wedding was celebrated with great Pomp and Feasting, there

there being no less than 30000 *Dishes* provided for one *Dinner*. *Tringia Millia Ferculorum praeclentibus parabantur.*

In the Year 1244. King Henry at [7] *Christmas* was entertained at *Wallingford* by his Brother *Earl Richard*, and nobly treated, as likewise were most of the *Nobility* of the Nation; his Wife *Elena* was there, with *Beatrix* her Mother, who soon after took her solemn [8] leave of the King and Court, took Ship at *Dover*, and passed into her own Country.

About this Time the *Pope* sent Master [9] *Martin* his Legat into *England* with power to *Excommunicate* and *Suspend* whomsoever he should find refractory to his Commands; by which Authority He suspended several *Prelates* until they should make such a provision for the *Pope's Clerks* and *Kinsmen* as he desired, who thought any Revenue under 30 Marks by the Year, not worth his receiving, left him to be a *Collector* of *Triffles*. *Ne quisquilias colligere videretur.* Moreover he directed his Letters to several *Abbats* and *Priors*, strictly injoining them to send him such *Horses* as were fit for the *Pope's* *special Clerk*, and if they refused or made any *Excuse*, though never so reasonable, they were forthwith suspended, (as the *Abbat* of *Wallingbury*, and *Prior* of *Merton* were) until they should make full satisfaction, and when any *Prebendaries* of Churches became void, He presently seized them, and by Virtue of the *Pope's* Authority disposed of them as he pleased, and gave one of the rich *Prebendaries* of *Salisbury* to a little Boy that was his Nephew, against the Will of the Bishop and the whole Chapter.

Near the beginning of this Year the King of *France* [1] assembled at *Paris* all such of his Subjects that had possessions in *England*, and declared to them, That He thought they could not serve faithfully two different Lords at the same time, and then gave them their Choice to whom they would adhere, and after that to relinquish their possessions and Lands in the other Princes Dominions. Upon this, some kept their Estates in *France*, and left those in *England*; others kept their Estates in *England*, and left those in *France*. When this was known to the King of *England*, He commanded the *Normans* Estates in his Realm to be forthwith Seized, and would not give them their Liberty of Choice, as the King of *France* had done; this was by the French looked upon to be a breach of the Truce. But their King was not so well recovered, or at leisure to prosecute the violation by a new War, but endeavoured to appease, and repress the quarrelous Insults of His *Norman Subjects* made against the King of *England*.

In *February* King Henry received [2] Sir *Paulinus Piper*, *Steward* of his Household, and *John Mansell* Chancellor of *St. Pauls* into his Council; and Master *Lawrence* of *St. Martins* was made *President* of his Council, and his *Procurator* in all Ecclesiastical Affairs. [3] About the same time *Griffin*, Son of *Leolin* Prince of *North Wales*, Prisoner in the Tower of *London*, endeavoured to make his escape out of Prison, by a Rope fastened to the Top of the Tower; but being a Man of great bulk and weighty, the Rope brake in his descent, and he perished by that fall, which happened on the 1st of *March*.

[7] fol. 613.
n. 30.
The King and Court treated by Earl Richard at Wallingford
[8] Ibid.
n. 40.
[9] Ibid. n. 50.
Innocent the 4th. Martin the Pope's Legate sent into England with exorbitant power. He excommunicated according to his power.

[1] fol. 614.
n. 50.
The King of France his Offer to his Subjects that had Estates in England and France.
The King of England would not consent to it.

[2] fol. 616.
n. 50.
Several new Counsellors made.

[3] fol. 617.
n. 50.
The unfortunate End of Griffin, Prince Leolin's Son.

A. D. 1244.
[1] fol. 638.
n. 10.
The Welch
revolt from
King Henry.

This Year notwithstanding their *Watts Engagements* and *Charts* the Welch men and their Prince had made to King Henry, [4] they Revolted from his Obedience, and made War upon him and his Marchers; who were opposed by the Earl of Clare, the Earl of Hereford, John de Monmouth, Roger de Montbault, and other potent Marchers; by the Kings Command they came to such an Engagement as in those Days was called a *Battel*, in which there fell an hundred on both sides.

[1] Ibid. n. 40.
The King of
Scots desires
to hold any
part of his
Kingdom of
the King of
England.
[6] Ibid. fol.
639. n. 20, 30.

The King on Barnaby Day, or the Eleventh of June, was at St. Albans [5] when he heard this news of the Welch; at which time likewise the King of Scots, let him know, That he neither did, would, or ought to hold the least Part of the Kingdom of Scotland of him.

This year (saith Paris) the King [6] Summoned the great men of the whole Kingdom; the Arch-Bishops, Bishops, Abbots, Priors, Earls, and Barons, to meet at Westminster; and with his own mouth, asked a pecuniary Aid; privately intending to reduce the King of Scots; but openly pretending, that the year before he had by their Advice passed into Gascoigny, and upon that undertaking contracted great Debts, from which he desired them to relieve him. The Barons Answered they would treat about his Proposal.

The King
Summons a
great Council,
or Colloquium.
Desires an Aid.

The Clergy
treat by
themselves.

Twelve chosen
to treat for
the whole
Community.

The Arch-Bishops, Bishops, Abbots and Priors, Treated apart by themselves; and after that, they asked the Earls and Barons to consent to what they had resolved upon, in Giving the King an Answer; and what they would do upon his Demands. They answered, That without the Common University they would do nothing; and then by Common assent, there were Elected on behalf of the Clergy (Ex parte Cleri); Boniface Elect of Canterbury, The Bishops of Winchester, Lincoln and Worcester; On behalf of the Laity (ex parte Laicorum) Earl Richard the Kings Brother, Earl Bigot, the Earl of Leicester, Simon Montfort, and the Earl Marshal. On Behalf of the Barons, (ex parte Baronum) Richard de Montfichet, John de Baliol, and the Abbots of Ramsey and Bury; and what these Twelve should do, was to be communicated to the whole. That nothing might be offered to the King with Common assent.

7. Ibid. n. 40.
Their Complaints.

* Mat. Paris
hath jumbled
things so
strangely together
this
year, that it
is not possible
to make his
History, and
Chronology
meet.

And because the [7] Charter of Liberties, which the King had Granted some time since, for the Observation whereof Edmund Archbishop of Canterbury, had sworn and undertaken, was not Kept; nor were the Aids so often given, used to the advantage of the King and Kingdom, and by the Defect of the Chancellor, Writs were Granted, and issued, contrary to Justice. It was Desired, That such a Justiciary, and such a Chancellor might be made, as would fix the state of the Kingdom upon its old Basis, (per quos status Regni solidaretur ut solebat). And lest the King should seem to do any thing new by Compulsion of the Council, he would not Grant the Petition of the great Men; but promised to amend what he had heard from them: Whereupon the meeting was adjourned until three Weeks after the Purification of the Virgin, (That is, the 2d of February) That if in the

mean

mean time, the King on his own accord should Choose such Counsellors, and so Manage the Rights or Laws of the Kingdom as to satisfy the Great men, then they might give him an Aid; yet so as it should be Expended for the Benefit of the Kingdom by Advice of the Twelve.

How the Government of the Kingdom was to be managed.

When the King saw he could do nothing with them all together; he [8] tried the Clergy apart, what they would do upon the Popes Letter; in which he Required, admonished, and exhorted them to give the King a liberal assistance in Money. Their Answer was, They were Engaged, and could do nothing without the Common Consent of the Great men.

[8] Ibid. n. 50, & f. 640. line 1.
The Clergy required by the Pope to give the King Money.

This great Council had contrived a new [9] Government, which they intended to have offered to, and put upon the King, if they could; To wit, That Four of the most potent and discreet men of the Kingdom should be chosen by Common assent, and sworn of the Kings Council; who should transact all the affairs of King and Kingdom, and should do Justice to all without acception of persons. These should follow the King; and Two of them at least were always to be present with him; that they might hear the Complaints of, and relieve Sufferers. The Kings Treasury was to be managed by them, and all Aids were to be expended as they thought it most to the advantage of King and Kingdom. They were to be Conversators of the Liberties; and as they were chosen by Common assent, so they were not to be removed out of their Office, but by Common assent; when one Dyed, another was to be Chosen by the three Survivors: Without their Consent, the great Council was not to meet; But if they should think it necessary or Expedient, it was to be convened when they pleased.

[9] Ibid. f. 641. n. 10, 20.
A new Government proposed.

This project did not then take Effect, because the [1] Counsels of the Clergy were distracted by the Popes Legate, Martin, who came with his Letters to Require a great Sum of Money of them, for to pay the Debt that had been contracted by his Predecessor Pope Gregory in the War for the Catholic Faith, Ecclesiastical Liberty, and the Patrimony of the Church; and suspended all Men from presenting to Benefices which were of Thirty Marks Annual value and upwards.

[1] Ibid. n. 30. & f. 641. n. 10.
The Popes Legate demanded Money of the Clergy.
* Ibid. f. 641. n. 30.

The great Men and Prelates [2] Met at London according to the Time of Adjournment, three Weeks after Candlemas day; to Treat about the Demands of an Aid, where he again Renewed them, and promised intirely to keep the Charter of Liberties which he had sworn to at his Coronation; and gave [3] the Bishops leave in their respective Dioceses to Excommunicate himself, and all others that should act Contrary to it in any Article: Yet for all this he could only obtain Twenty Shillings of every Knights fee, to Marry his Eldest Daughter, of all those which held of the King [3] in Capite; half to be paid at Easter, and the other half at Michaelmas.

[2] f. 643. line 8.
The Kings promise to the Great men.
[3] Ibid. n. 10.
Twenty shillings of Every Knights Fee granted to the King.
[4] Ibid. n. 20.

The Controversie between the two Kings of England and Scotland came to such an height, That King Henry [5] Summoned every Baron of England, as well Bishops and Abbots, as lay Barons (which hold of him in Capite, (Quilibet Baro tenens ex Rege in Capite)

A. D. 1244.
[5] Ibid. f. 645. n. 40, 50. cl. 28. Item. 3. n. 8. Dors.

to have all their *Service* ready at *Newcastle* upon *Tine*; to force the *King* of *Scots* to give satisfaction, unless he would hear their Advice; where they appeared accordingly, *Congregata igitur Universitas totius Angliæ Nobilium, apud Memoratum Castrum*; About the Assumption of the *Virgin* (that is, the 15th of *August*) they had a serious Treaty about this *Weighty Affair*: Where by the means of *Earl Richard* and other great Men, there was a Peace made upon these Terms, [6] That the *King* of *Scots* and his *Heirs* should keep Perpetual Faith and Friendship toward *King Henry* and his *Heirs*: That he should not League with the *Kings Enemies*: That the Peace should stand Good, that was made in the presence of *Otto* the *Popes Legat*; and the Agreement concerning a Contract of Marriage to be had between the *King of Scots Son*, and the *King of Englands Daughters*.

[6] Append.
n. 171.
Articles of
the Peace be-
tween the
Kings of Eng-
land and Scot-
land.

[7] f. 647.
n. 30, 40.
The Welch
spoil the
Borders.

They rout
thole that
were sent to
repress them.

[8] f. 650.
n. 50.
The Great
men deny the
King an Ayd.
against the
Welch.
Prince David
offered to
hold his King-
dom of the
Pope.

[9] Append.
n. 172.

[1] Park
f. 654. n. 50.
The Welch
overthrown.
[2] f. 255.
n. 30.
David besieged
and took
Monsial
Castle.
[3] f. 658.
n. 10.
The yearly
revenue of the
Roman and
Italian Clergy
in England.
[4] f. 659.
line 4.

The [7] *Welch* at this time made great Slaughters, Devastation, and burnings upon the Borders; of which the *King* having notice, he sent *Herbert Fitz Warin* with Three hundred Horse to subdue them, Disbanding the rest of his Army, and going to London himself. The *Welch* took Courage upon this Discharging the Army, and had routed and destroyed the forces of the *Earl of Hereford* and *Ralph de Montemer* before *Herbert* got up to them; and when he attacked them the Day after, they put him to flight.

On the Morrow of all Souls, (November 3d) the [8] great Men of *England* met, of whom the *King* required an Ayd against the *Welch*, which they denied him.

David Prince of *North-wales*, intending to cast off the Yoke of his Subjection to the *King* of *England*, sent to the *Pope*, and offered his Country to him, so as he would defend it against him, and that *David* and his *Heirs* might hold it of him Paying yearly 500 Marks; & for a great Sum of Money obtain'd the *Popes Bull* directed to the *Abbats* of *Aberconwey* & *Kemere*, by which he Constituted them his *Inquisitors*, whether *Prince David* by force and fear was compelled to subject himself, and swear Fealty to the *King* of *England*, and if they found it to be so, to Dispenze with, release, and make Null and void his Oath and Engagements; and by Virtue of this Bull they [9] summoned the *King* to appear before them on the *Vigil* or Eve of *St. Agnes* (January 21) at *Hereus* in *Wales*, to answer *Prince David* concerning the Contents of the Bull. This enraged the *King*, and also the Great Men, so as they urged him to March against *David* without Delay.

On the [1] first Sunday in *Lent* the *Constable* of the Castle of *Montgomery*, with such forces as he had with him, by stratagem overcame the *Welch*, and killed above 300 of them. *David* to make good this loss, besieged the Castle of [2] *Bontball*, and took it by assault, and killed most he found in it, but missed of *Roger de Montalto*, the *Proprietor* of it, whom he thought to have found there.

About [3] *Whitsunday* the *King* caused diligent Inquiry to be made in Every County, whose Revenues the *Romans* and *Italians* were possessed of in *England*, by Gift of the *Court* of *Rome*, and they were found to be 60000 Marks by the year: The Consideration of which

which great Sum moved the *King* both to Admiration and Anger; and the *University* of the *King* dom composed an Elegant [4] Epistle, in which they set forth the Execrable *Papal Exortions*, and the Exactions of the *Legats*; (in qua Exortiones Papales Execrabiles, &c.) And sent it to the *Council* of *Lyons*, by *Earl Roger Wigot*, *John Fitz Geoffrey*, *William de Cantelupe*, *Philip Basser*, *Ralph Fitz Nicholas*, and *Master William Poweric a Cleric*, in the Name of the whole *University*, who were to declare the importable Burthens of the *Kingdom* by reason of the *Popes Exaction* of Tribute, to which the *University* thereof never consented, and to seek for Redress.

On the 30th of [5] June the *University* of *Military Men*, that intended a *Torneament* (which was prohibited by the *King*) met at *Luton* and *Dunstable*, (in *Bedfordshire*) sent *Fulk Fitz Warren*, to the *New Temple* at *London*, to Mr. *Wartin* the *Popes Cleric*, and Infrument of his great Exactions; when he came to him, he looked upon him with a stern Countenance, and bad him be gone out of *England* immediately: Who commands me to do this, said Mr. *Wartin*? Is it your self? To whom *Fulk* answered, the *University* or Body of armed men, that lately appeared at *Luton* and *Dunstable*, by me do Command you to do this; and bad him again be gone, or be and his Followers would in three Days be cut in Pieces: Mr. *Wartin* much affrighted at this Salutation, went immediately to the *King*, and told him, what he had heard, and asked if it was done by his Authority: The *King* told him he was not the Author of any such thing; but my Barons (saith he) can scarce contain themselves from an infurrection against me, for that I have so long suffered your Depredations and Injuries in my *Kingdom*. Upon this Discourse with the *King* he Requested his *Passport*, which was readily granted, and for his greater security the *King* sent with him *Robert Moris*, one of his *Marshalls* to conduct him to the Sea.

The [6] *Procurators* of the *University* or Body of the Nobility of *England* before named, sitting in the *Council* at *Lyons*, Mr. *William Poweric* their *Cleric* stood up, and propounded the Grievances of the *Kingdom* of *England* in behalf of the said *University*, lamentably complaining of a Tribute injuriously imposed on the *Kingdom* by the *Court* of *Rome*, to which the *Fathers* of the Nobility, nor they themselves had ever consented; nor did at present, or ever should consent; whereupon they craved Justice with Remedy: To which complaint the *Pope* made no answer; yet *William Poweric* produced the [6] Epistle, which declared the many Extortions made in *England* by the *Roman Church*, which was read in the *Council*. After some time of Wayting, the *Procurators* returned without [7] a satisfactory Answer; yet at length he [8] Granted that all *Patrons* both Lay and Ecclesiastic, should present whom they would to Ecclesiastic Benefices without the *Lit* or hinderance of him, or his *Legats*. But afterwards, with a *Mon* [9] Obstante to this privilege he totally destroyed it, when ever he had a Mind to prefer any of the *Italian Clergy*.

About the Beginning of July, the *King* [1] Summoned all the *Earls*, *Barons*, *Knights*, and others that held of him in *Military Service*, and Serjeanty, to March with him into *Wales*, or to send their

[4] f. 659.
lin. 4.

The English
Complaint
at the Coun-
cil of Lyons,
and by whom
made.

[5] f. 659.
n. 10, 20.
Fulk Fitz
Wartin sent to
Martin the
Pope's Legat.

He treateth
the Legat
roughly.

The Legat
leaveth Eng-
land.

[6] f. 666.
n. 40.
A. D. 1244.
The English
Procurators
complaint in
the Council
of Lyons.

[6] Append.
n. 173.
[7] f. 681.
n. 30.
[8] f. 696.
n. 10, 20,
30, 40.
The Pops
Grant to Pa-
trons of Ben-
efices in
England.
[8] f. 668.
n. 20.
[1] fol. 60. n.
10 & Clau. 29.
ten. 3 M. 8. D.
The King
prepares for
an Expedition
into Wales.

[2] f. 681.
n. 20, f. 683.
S. f. 684. n. 32.

their Service : The *Welshmen* kept themselves upon their Mountains, and in their Woods and fastnesses, and took their Opportunities now and then to Destroy some Parties of the *English*, and all that King Henry did in 10 Weeks time, was to [2] build the Castle of *Bannoc*, which when he had finished, and put a strong Garrison into it, he returned into *England*, having destroyed all the Victuals and Forrage upon the *Borders*, and in those parts of *Wales* where he had been ; and returned into *England* with his Army : At the same time the *Irish* by the King's Command landed in the *Ile* of *Anglesey*, which was the place of Refuge for the *Welsh*, and burnt, and destroyed the whole Country.

[3] f. 695. n.
40. A.D. 1146.
Prince David
dyeth with-
out Issue.
[4] History of
Wales. p. 314.

In the Spring following, [3] died *Dabid Prince* of [b] *North-wales*, without Issue; in whose place the *Welshmen* chose the Son of *Gillis Prince* of *Wales*. Dr. *Pomet* says from the *British History*, That the *Lords* and *Barons* of *Wales* upon the Death of *Dabid* came together and chose [4] *Owen* and *Llewelin*, who divided the Principality between them, and received their Homages.

A Parlement
at London.
[6] *Parli ut*
supra f. 695.
n. 50. & lib.
Aditum. f.
156. n. 10.
Laws made
against Rob-
bers of War-
rens and Parks

This year in a *Parlement* at *London* there were severe [5] Laws made against such as Robbed Parks or Warrens. [6] If the *Malefactor* fled and was Killed, there was neither *Law* or *Appeal* allowed for his Death : If an *Earl*, *Baron*, or *Knight* complained to the King that his Deer was stolen, and Inquisition was made by the *Kings Writ*, if he that was Indicted was Convicted, he was to lye in the *Kings Prison* a Year and a Day, and to pay *three years value* of his Estate, having just sufficient allowed out of it, to maintain him ; after which the King was to have two parts, and he that received the injury, one ; and then he was to find twelve *Sureties*, that he should never do the like again, in *Parks*, *Warrens*, or *Forests* ; nor do any thing against the *Kings Peace*, who were to answer for his *Body* and *Transgression*. And if any one were taken in a *Park* or *Warren* without the *Kings Writ* of Inquisition, he was to be Imprisoned, Fined, and to give *Sureties* as before.

[8] *Paris* f.
698. n. 40, 50.
A General
Parlement
held at Lon-
don.

On Mid-Lent Sunday a most General *Parlement* of the whole Kingdom met at *London* according to Summons, [8] where the King Conferred with the *Bishops* apart, the *Earls* and *Barons* apart, and the *Abbots* and *Priors* apart, about the *Popes* not keeping his promises concerning the Removal of their Grievances, which were these,

Papal Exdi-
ons and Op-
pressions.

First, That the *Pope* not content with the payment of *Peter-pence*, oppressed the Kingdom by *Extorting* from the *Clergy* great Contributions, without the *Kings Consent*, against the *Antient Customs*, *Liberties*, and *Rights* of the Kingdom, and against the *Appeal* of the *Procurators* of the King and Kingdom in the General Council of *Lyons*.

[7] Dr. Pow.
Hist. of Wales,
p. 315.

b. The Prince of *Northwales* was the [7] Superior of all the Princes of *Wales*, to whom the other Princes of *South Wales* and *Powis* paid a certain Tribute yearly, as appears in the *Laws* of *Hovel Dda*.

Secondly,

Secondly, The Church and Kingdom were oppressed, in that the *Parsons* of Churches could not present fit persons to them, because they were given by the *Popes Letters* to *Romans*, who understood not the *English Language*, and carried all the Money out of the Kingdom to the Impoverishing of it.

A Thirdly, The Nation was oppressed by the *Popes Exaction* of Pen-sions from Churches.

Fourthly, The Church and Nation suffered, for that *Italians* succeeded *Italians*, and the *English* were forced to prosecute their right out of the Kingdom, against the *Customs* and *Written Laws* thereof, and against the *Indulgencies* of the *Popes Predecessors* granted to the King and Kingdom of *England*.

B Fifthly, The Church and Nation infinitely suffered, by reason of the Clause of *Non obstante*, which weakened and enervated all Oaths, *Antient Customs*, *Written Laws*, *Grants*, *Statutes* and *Privileges*.

C Sixthly, The Church and Kingdom suffered, for that in the Parishes where the *Italians* were Beneficed, there was no *Alms*, no *Hospitality*, no *Preaching*, no *Divine Service*, no care of *Souls*, nor *Reparations* done to the *Parsonage Houses*.

The Result of the *Conferences* upon these Grievances was, That yet, for the Reverence due to the *Apostolic See*, they should again *Supplie* the *Pope* by Letters, to remove the intolerable Grievances, and importable yolk, and this was done according to the *Kings* separate Discourse with them. The King wrote by [9] himself, the *Bishops* by themselves, the *Abbots* by themselves, and the *Earls* and *Barons* by the name of the *University* of *England*, by themselves, as appears by their particular Letters extant in *Mat. Park*.

E But notwithstanding this *Appeal*, [1] the *Pope* just before the Dissolution of the Council of *Lyons*, caused the *English Bishops* to put their Seals to the Instrument of *King John*, by which he engaged himself and Heirs, to pay a Thousand Marks a year to *Innocent* the Third and his Successors. *Fulk Bishop* of *London* was very unwilling to do it, yet at last he suffered himself to be overcome. They then also Signed the Instrument of the Deposition of *Frederic* the Emperor.

F And yet further to the great prejudice of the King and Kingdom he [2] sent his *Apostolic Commands* to the *Bishops*. That some of them should find him 14; others 10, others 5 stout men well Horsed and Armed for one year, as the *Pope* should direct. And lest the King should make provision against this *Exaction*, the *Bishops* were Commanded not to discover it, under pain of *Excommunication*.

The result of
this Confe-
rence upon
these Gri-
evances.
[9] f. 699.
700, 701.

[1] f. 681. n.
40.
The English
Bishops at the
Council of
Lyons impos-
ed upon by
the Pope.

[2] f. 701. n.
50.
A new Op-
pression of
the English
Bishops by
the Pope.

G g g g. 2

This

[3] f. 705. n. 30.
The Office of
Marescalche
granted to
Herr Roger
Bigod.

[4] f. 706. n. 30.
Messengers
sent to Rome
to complain
of Grievances.
[5] fol. 707.
n. 40.

[6] Append.
n. 174.
The Kings
Command to
the Bishops
not to pay
any Aid or
Tallage to the
Pope.

[7] Paris f.
709. n. 30.
A Council
held at Win-
chester.
The King pro-
hibits from
contributing
to the Pope.

[8] Ibid. n.
40, 50.
The Pope
writeth se-
verely to the
English Pre-
lates.
The King for-
ced to consent
to the Popes
Exactions.

The Pope ta-
keth an ad-
vantage of his
clemency.
[9] f. 716.
n. 10.
And treateth
the Clergy
rigorously.

[10] Ibid. n. 10.

This year by great [3] Intercession the *Marescalche* with the Office and Honor, was Granted to *Earl Roger Bigod*, by reason of his *Cousin's* (*Patience Comitiſſe's*) the Eldest Daughter of *William* the great *Earl Marshall*.

Against the great Grievances and Exactions of the Pope, [4] *William Poweric*, and *Henry de la Mare* were sent to Rome by consent of King, Bishops, Earls, and Barons. And in the mean time [5] he sent for 6000 Marks which had been charged upon the Bishops by his *Cleric Master Martin*, which so exasperated the King, That he [6] wrote to the Bishops, and Reproved them for not observing his *Letters Patents*, and clove, by which he had Commanded them to pay no Aid or Tallage to the Pope, and in that Whic commanded them again not to comply with any of his Exactions contrary to the Resolutions of themselves, and other Prelates, the Earls and Barons made in the Council at London.

On the 7th of July there was a Council holden at Winchester, between the King and [7] Great men about the Desolation of the Church; *William de Poweric* and *Henry de la Mare* that had been sent to the Court of Rome, were then returned, bringing back nothing of moderation from the Pope, concerning the oppressions of the Kingdom and Church of England, of which they had complained; He continued resolute in foreing his Demands, which Resolution so moved the King and Great Men, That he commanded Proclamation to be made in all Towns, Markets, and public places, no man of the Kingdom should consent to any Contribution to the Pope, or send him any Aid.

But he sharply wrote to the Prelates after he had been advertised of this Proclamation, and under pain of Excommunication and Suspension charged them to pay in the Money to his Nuncio at the New Temple London. And whereas the King was fixedly prepared to defend the freedom of the Kingdom and Church by the Threats of his Brother *Earl Richard*, and some Bishops, but especially of the Bishop of Worcester, who (as it was said) had power to Interdict the Nation, he was Baffled, and fell in the cause, so as the Contribution was paid, and the whole endeavor and hope of maintaining the freedom of the English Church and Kingdom came to nothing.

And the Pope taking a greater Confidence from what he had already done, commanded more [9] Imperiously than he were wont to do, That all Beneficed Clerges that resided upon their Livings, should pay unto him a third part of their Goods, and such as did not Reside, were to pay one half, and appointed the Bishop of London to Execute this his project.

Who [10] with some others met at St. Pauls to consider of this matter, to whom the King sent *John de Lexington Knight*, and *Lawrence* of St. Martin his Cleric on the Morrow after St. Andrew or 8th of December, strictly prohibiting them to consent to that Contribution; and so they broke up their meeting to the great satisfaction of all such as were called before them: If any man thinks it worth his labor, to peruse

peruse the Answer of the [2] Clergy to this unreasonable Exaction, may see it in *Mat. Paris*.

About this time the Bishop of [3] Lincoln by the Instigation of the Friars Preachers, and Friars Minors, made strict Inquisitions, by his Arch-Deacons and Rural Deans, concerning the Continency and Manners of Noble and ignoble, to the great Scandal of them, and the blasting of their Reputations. The King hearing the grievous complaints of his people concerning these proceedings, by advice of his Court, sent his [4] Writ to the Sheriff of *Worcestershire*, commanding him, That as he loved himself and all he had, That he should not permit any Laymen of his *Shire* for the future to meet in any place to make Cognitions, or Attestations upon Oath at the pleasure of the Bishop of Lincoln, his Arch-Deacons or Rural Deans, unless in Matrimonial, and Testamentary Causes.

In [1] the year 1247. King Henry with many of his Great men was the day after Christmas-day entertained at Winchester by the Bishop of that place. By this the King signified he had forgotten all former offences, and in the presence of the whole Court received the Bishop into his favour.

At the same time the King [2] summoned his Great men (*Barones tuos*) and the Arch-Deacons of England to meet at London, to consider how the Contributions the Pope required should be raised. At the day appointed all the Bishops designedly absented themselves, that they might not appear openly to confront the Popes desires.

These Continual exactions of the [3] Popes Legates and Collectors opened every ones Mouth against him, but especially in France, where they did not spare his Holiness, but loaded him with bitter reproaches and revilings for the Extortion and Rapine that was practised by his Ministers: Infomuch that the [4] Great men of the Kingdom (*Omnes regni Majores*) Decreed, and by Oath Established it, That No Cleric or Laic for the future should compel any one to appear before an Ordinary, Judge, or Delegate, unless upon the Account of Heresy, Matrimony, or Usury, upon Forfeiture of all his Goods and loss of one of his Members.

This resoluteness of the French very much Troubled the Pope, [5] so that he endeavoured by all means to soften them into a compliance with him; he bestowed many Ecclesiastical Benefices among their Relations, and gave them licence to obtain mote, and other Indulgences; besides, he was bountiful in his gifts among the Noblemen, which brought many over to him from their former Resolution.

The Day after [6] Candlemas the Parliament met at London, where the King was informed, that the King of France had a design upon Gascoigny, and that it would not be only a great reproach, but a prejudice to him to suffer it to be lost, seeing he received yearly from Burdeaur 1000 Marks: The Archdeacons of England, and very many of the Clergy met the Great men there: They complained of the frequent and intolerable Exactions of the Pope, affirming to the King

[1] Ibid. n. 30.
40, 50.

[2] Ibid. l. ii. c. 1.
The Bishop of
Lincoln maketh
an inquisition
into the lives of
the People.

[4] Append.
n. 175.
The King for-
bids the Exe-
cution of it.

A. D. 1247.
1. fol. 719.
n. 20.
The King re-
conciled to
the Bishop of
Worcester.

[2] Ibid. n. 30.
A Council cal-
led at London.
The Bishops
absent them-
selves.

[3] Ibid. n. 40, 50.
A general
Clamour
against the
Pope and his
Ministers.
[4] fol. 710.
n. 20.
A Decree of
the Great
men of France
against Papal
jurisdiction.

[5] Ibid. n. 30.
The Popes
method
to regain the
good will of
the French.

[6] Ibid. n. 50.
A Parliam. d.
at London.

The Clergy's complaint to the King of the oppressions and Exactions of the Pope. What was resolved in this Affair.

[7] Append. n. 176. The Summe of their Letter to the Pope.

[8] Append. n. 177. The Communities Letter to the Cardinal.

[9] fol. 722. n. 3. * Because he cut off all the advantage with a (non obstante) at any time when he pleased. [1] Ibid. n. 10. The Kings Wards married to Foreigners.

[2] Ibid. n. 10. 30, 40, 50. Two Friars Minors sent into England, to be the Popes Collectors. Their Arrogant behaviour to the English Prelates.

King, That if these were suffered, His kingdom would be endangered, and both Laity and Clergy would be ruined by a delolution that former times had not known. Upon this, It was resolved that *discreet Messengers* should be sent to the Court of Rome, with Letters, both to the *Pope*, and *Cardinals*, on the behalf of the Community of the whole *Clergy* and *Laity* of the Realm, shewing their Grievances and Oppressions.

The [7] Summe of that to the *Pope*, was a profession of their readiness to obey his *Holiness*; but desire his Pardon if they could not then comply with his *Demands*; for altho their Country yielded Plenty of Fruits for the Nourishment of its Inhabitants; yet it afforded no Money, neither was it sufficient to Supply what was required; for their own *Kings Necessity* urged what they could spare towards the defence of his own *Dominions* against the assaults of his Enemies, and so concluded That any further burthens would prove insupportable to them.

Their Letter to the [8] *Cardinals* was to this Effect. They first give a hint of their *grievances*, and what they had contributed since the last *Lateran Council*, first a *Twentieth* part for three years for an *Aid* to the *Holy Land*; then a *Tenth* to the *Pope*; afterward several other payments for different Uses at the Command of the *Apostolic See*. Then they urge the great necessity, and wants their own *King* lay under, whom they were bound to Assist as their *Lord* and *Temporal Patron*; and that they themselves were now reduced to such *penury*, that if all they had were exposed to sale, it would not be sufficient to answer what was demanded: Wherefore they humbly beseech them, to represent their condition to the *Pope*, and endeavour to divert his Thoughts, his hands, and his Counsels, from such grievous Oppressions.

About the same time the *Pope* [9] granted to *King Henry* (*Unbratille Privilegium*) a *pretended and deceitful privilege: That No *Italian*, or *Nephew* of His, or *Cardinals*, should henceforward be sent into *England* to be beneficed, unless He, or his *Cardinals* first ask, and obtain leave of the *King*, to have him provided for.

Before the *Council* was ended, *Peter* of [1] *Savoy Earl* of *Richmond*, came to the *Kings Court* at *London*, and brought with him several young *Women* from his own Country to be married to the young *Noblemen* that were the *Kings Wards*, which thing much disgusted his own Native Subjects.

This year [2] *John* and *Alexander*, Two Friars *Minors*, *Englishmen* by birth, were sent from the *Pope* with his Authority to be his *Collectors* or *Exactors* of Money in *England*; and pretending to ask Charity only, and use no force, they obtained the *Kings* Licence; And then went to the chief *Prelates*, and very fawcily required of them Money to the use of their *Lord the Pope*, and sometimes demanded xx s for a *Procurator*, which was to be paid without delay; if not, they produced the *Popes Thundering Letters* (*Literas fulminantes*) to alight and constrain them to it. When they came to the *Bishop of Lincoln*, who was a great Admirer of that Order, He stood amazed

amazed at their habit (which was more *Souldier-like*, than *Religious*.) But when they had shewed him the *Popes Letters*, and demanded of him 6000 Marks to be forthwith paid out of his *Bishopric*: He Answered with great grief of Heart, That such *Exactions* were never heard of before, and very unjust, because it was impossible to answer them. And seeing it concerned the *University* of the *Clergy* and *Laity* (*Universitatem Cleri & Populi*) of the whole *Kingdom*, He could give them no Answer in such a *Difficult Affair* until he had first consulted the *Community* of the *Kingdom*. Then they parted from him and went to *St. Albans*, and demanded of the *Abbat* 400 Marks to be paid to them for the *Popes* use. But they received much the same Answer from him, they had before from the *Bishop*.

About the same time, the [3] *Pope* by his *Messengers*, the *Friars Preachers*, and *Minors*, sent to all the *Chief Prelates* in *France*, and desired them to Lend him Money according to Every ones *Ability*, and whatever they Lent should be repaid them without fail, when He was able to do it. When this was known to the *King* of *France*, He prohibited them under pain of forfeiting all their Goods, from lending any such Summs, lest thereby his own *Kingdom* should be impoverished.

This year [4] *Godefrid* was sent *Legat* into *Scotland*, although there was no Occasion for any, and *John Rufus* into *Ireland* (*quasi Legatus*) in stead of a *Legat*, that he might thereby elude the *Privilege* lately granted to *King Henry*, who so well managed his Master the *Popes* business there, that He extorted from them 6000 Marks, which sum was conveyed to *London* by the *Religions*, and payed into the *Popes Treasury*.

The same year [5] *King Henry* followed the Example of the *Great men* of *France*, who by their *Kings* approbation had entred into a *Confederacy*, and made a *Decree* against the insatiable *Avarice* and *Oppression* of the *Court* of *Rome*, That the same *Exactions* and *Extortions* might for the future be prevented here, and the *Jurisdiction* of the *Spirituality* restrained. He ordained, that these following Orders should inviolably be observed through *England*. That No *Lay* should bring any Case before an *Ecclesiastic Judge* unless it concerned *Marriage* or *Testaments*. The *King* likewise gave the *Bishops* a certain Form to proceed in Cases of *Bastardy*, To inquire whether they were born before, or after *Marriage*. *Clercs* were prohibited by the *Kings Writ* to Commence any Actions for *Tithes* before an *Ecclesiastic Judge*, and that *Writ* by which they were to proceed was called *Indicavit*. That an *Oath* should be given to *Clercs*, to Discover whether they had proceeded in any Case contrary to the *Kings Prohibition*: Whereas they are not bound to Swear but before an *Ecclesiastic Judge* in *Spiritual Causes*. Also concerning *Clercs*, for Crimes imposed upon them by *Lays*.

In the beginning of *Lent* the forementioned [6] *John a Minors*, Demanded of the Church of *St. Albans* 400 Marks, the Second time, and by Virtue of his Authority cited the *Abbat* of *St. Albans* to appear at *London* three Days after, either in Person or by his *Proxy*.

Their Demands of the Bishop of Lincoln and Abbat of St. Albans.

[3] fol. 713. li. 3. The Pope sends to borrow money of the French Prelates.

But are forbidden by the King.

[4] Ibid. n. 30. A Legat sent into Scotland.

The Popes Extortions in Ireland.

[5] fol. 727. n. 20, 30.

The Jurisdiction of the Clergy restrained.

[6] fol. 718. n. 20, 30, 40, 50. The Abbat of St. Albans cited to London by the Popes Collector.

The Appeals to
the Pope

[7] fol. 729.
n. 30.
Bat without
Remedy.

Frier John
written to the
Pope for ad-
ditional Pow-
ers.

[8] fol. 730.
lin. 6.
The Nobility
and Clergy
meet the King
at Oxford.

The Prelates
consent to
contribute
1000 Marks
to the Pope.

[9] fol. 742.
n. 30.

A.D. 1248.
[1] fol. 743.
n. 40, 48.
A Parliament
called at Lon-
don.

[2] fol. 744.
line. 1.
The King re-
quired anali,
but is denied.
And is repro-
ved by his
Great men for
mis-carriages.

Proxy, to satisfy the Popes Demands, that were lately made to him: The *Abbat* sent his Archdeacon to appear for him at the day appointed; who after he had demanded and with difficulty obtained a Copy of the Brief; Answered, That the *Abbat* designed to send special Messengers to Rome to acquaint the Pope with these grievances, and for remedy appealed to him; because [7] both the *Abbat* and Convent thought they should meet with more favour from the Pope than they could expect from him. When they came to Lyons (where the Pope then resided) They were coldly received and met with great difficulties, and some checks; Namely, That they did not give that respect, and pay that reverence, which was due to the Popes Messenger, and that their *Abbat* was the only person amongst all the Abbats of England, that refused to yield Obedience to his Commands. When they saw their entertainment, and no remedy to be expected, they compounded for 200 Marks, and their expences amounted to 100 more.

When Frier John the *Dinoritz* saw the Clergy, especially the *Abbats*, so unwilling to yield to his demands, He wrote to the Pope, to have his power enlarged; The Popes Answer, together with the Letters of additional powers are in *Additament. Matt. Par. fol. 159, 160.*

About the same time, the King finding the [8] State of his Realm endangered and much impoverished by Papal exactions, and the Money carried out of his Kingdom without any advantage to the Church, He commanded the whole Nobility of the Kingdom (*omnem Totius Regni Nobilitatem*) to meet at Oxford; But the Prelates were in a more especial manner called, that they might consult, how the Church might be relieved from such oppressions as it now lay under. But they contrary to all expectation presently consented to a Contribution of 11000 Marks, and the Clergy were constrained to pay it into the hands of the Bishops of Winchester and Norwich, and such as refused were wearied into a compliance, by the troubles and damages, they received from John the Minorite; nor did the *Abbat* of St. Albans fare the better for that he had sent the Pope fourscore Marks the year before.

In the year 1248. King Henry [9] kept his Christmas at Winchester, with many of his Great men.

Soon after, [1] He summoned the Nobility of the whole Kingdom of England to meet him at London Eight days after Candlemas. Besides a great Number of Barons, Knights, Noblemen, Abbats, Priors, and Clergy, there came thither Nine Bishops, and as many Earls; The Arch-bishop of York, the Bishops of Winchester, Lincoln, Norwich, Worcester, Exeter, Ely, Rochester and Carlisle; Earl Richard, the Earls of Gloucester, Leicester, Winchester, Hertford, Roger Bigod Bareschal, and Oxford; besides, the Earls of Lincoln, Ferrars, Warren and Richmond. The Arch-bishop of Canterbury was beyond Sea, the Bishop of Durham was infirm, and the Bishop of Bath was lately dead. When they were assembled, the King required of them an *Ayd*. But they [2] reproved him for asking it without Blushing (as saith the Monk), seeing when they granted the last, he promised by his Chart, he would not any more burthen his Great men.

men. Moreover they blamed him for his repeated kindness, and Liberality to Forreigners, and contempt of his Native Subjects, for not encouraging the trade of his own Kingdom, [3] for keeping Bishops, and Abbys void, in his own hands: To these they added, That neither the Justiciary, Chancellor or Treasurer were made by the Common Council of the Kingdom (*per Commune Consilium Regni*) as they * were in his Predecessors Reigns.

When the King heard these things, [4] he was much concerned, and promised that what was amiss should be speedily corrected; To which the University of England Answered, That as they had often, so they would now patiently wait a short time, and see whether he meant as he spake; and according as he performed his promise, so they would their obedience to him in all things. So the further consideration of this Affair was put off till fifteen days after Midsummer.

At the day [5] appointed, the Nobility of all England (*Nobilitas totius Anglie*) met at London, and were received by the King with this following Speech, That they did not treat their King civilly, but would have him submit to their pleasure, and yield to any Terms they should offer him; and did deny that Liberty and Authority to him, which every Master Exercises in his own Family; every Master of a Family may use, whose and what Counsel he please, and may put in and put out what Officers he please in his own House, which you deny to your King: And as Servants ought not to Judge or impose any Difficulties upon their Lord, so neither Vassals on their Prince; and therefore was resolved, neither to remove the Chancellor, Justiciary or Treasurer at their pleasure, nor to appoint others. And then added, that he expected from them a pecuniary *Ayd*, for the defence and recovery of his Rights, which concerned them beyond the Seas. To all which they unanimously Replied, That they would no longer impoverish themselves to enrich Strangers, as they had formerly done, when they gave money towards his Expedition in Gascony and Poitou: So the Parliament was dissolved in great disorder, without any satisfaction, either to the King or themselves. But the King was hereby [6] reduced to so great necessities, that he was constrained to expose to Sale his Jewels, Plate, and other Utensils of his House; and such Vessels as were curiously wrought and Gilded, were Sold, not according to their value, but weight. When the King enquired where he should meet with Buyers, it was Answered, At London. The King replied, If the Treasury of Octavian were to be sold, the City of London were able to purchase it.

This year on the 13th of October, [7] the King with many Prelates and Great met at London to celebrate the Memory of the Translation of St. Edward, and caused a New Fair to be proclaimed at Westminster, to continue 15 days, and prohibited all other Fairs that used to be kept at that time of the year, throughout all England, and also all Trading in the City of London, within Doors and without, during that time; That this Fair at Westminster might be the more plentifully stored, and frequented with all sorts of Goods and People.

[3] Ibid.
n. 20, 30.

* There are
no Instances to
be found of
that in his
Predecessors
times
[4] Ibid. n. 40.
His concern,
and promise
to correct
what was
amiss.

The Answer
he received.
[5] fol. 748.
n. 30, 40, 50.

The Kings
Speech to the
Parliament.

Their An-
swer, and Re-
solye against
granting any
Ayd.
[6] fol. 749.
lin. 1.
The King re-
duced to great
straights.

[7] fol. 751.
n. 10, 20.
A new Fair
proclaimed
at Westminster
to hold 15
days.

[8] fol. 74.
n. 10, 11, 12.
The Pope
indeth his
Italians to be
Benched in
England.
* Adelmur, af-
terwards E-
lect of Win-
chester.
The Abbat of
St. Albans ci-
ted to Rome
for refusing to
accept one.

This year the Pope [8] continued his *Extortions* from, and *Op-
pressions* of the English, and sent his *Italians* to be without delay
benched in England, whereof One was sent to the *Abbat* of *Abn-
dune*, who made choice of the Church of St. *Wilems* in the same
Town, worth 100 Marks by the year; and the same day it became
void the *King* send's his *Mandate* to the *Abbat* to confer it upon *
Abelmarus his Brother, by the Mothers side, and the *King* would
protect and indemnify him. The *Abbat* yielded to the *Kings* Com-
mand. Upon this the *Pope* cited the old *Abbat* to appear before him
at *Rome*, who being deserted by the *King*, was constrained to take
that *wearisome*, and *tedious Journey*; where after many difficulties
and expences, he compounded for fifty Marks.

A. D. 1149.
[9] fol. 717.
n. 20.
[1] fol. 748.
n. 10, 20, 30,
40, 50.
The Kings
wants press
him to ask
Money of his
Subjects.

In the year 1249. the *King* kept his [9] *Christmases* at *London*, and
required of the *Citizens* New-years gifts. Then he sent to the [1]
Citizens of *London*, to supply him with Money, which they received
with a heavy Heart, and complained, That that *Liberty* which was so
often bought, granted, and Sworn to, would not now distinguish them
from Slaves of the meanest rank; but at length with great relu-
tancy were constrained to pay 2000 pounds; but this would not
satisfy the *Kings* wants, therefore he was forced to apply himself
to his *Great men* one by one, and requested them to Lend him Money,
both to supply his *Necessities*, and pay his *Debts*, and also to inable
him to recover those *Rights* the *King* of *France* had invaded: And
in a most *Submissive Manner* made his urgent *Necessities* known to
the *Prelates* and *Abbats*, and begged of them either to give or lend
him such or such a Sum of Money; but could obtain nothing but
Excuses or *denials*, unless from the *Abbat* of *St. Albans*, from whom
he received Sixty Marks. This encouraged the *King* to hope the
like success from other *Prelates* and *Abbats*, and accordingly [2]
wrote to those of *Gloucester* and *Berthford*, to Lend him Money for his
present *Necessities*, and gave them his promise *Faithfully* to repay
the same.

[1] fol. 759.
lin. 3.

[1] Ibid. n. 20.
Nicholas Bi-
shop of Dur-
ham resigned
his Bishopric.
[2] Ibid. n. 10.
The King re-
commended
his brother
Echelmar to
the Convent.
The Monk
refuse to
choose him.
[3] fol. 760.
lin. 4.

This year [3] *Nicholas Bishop* of *Durham* being sensible of his
great Age, and infirmity, resigned his *Bishopric*, and withdrew him-
self from all *public Affairs*, to a private Life. The *King* recommended
[4] *Abelmarus* his Brother to the Convent, and by *Messengers*,
and repeated *Entreaties* would have persuaded them to choose him
to be their *Bishop*. To whom they replied, that He had at his *Coro-
nation* sworn to preserve the *Church's Liberty*, and that the person
recommended, was neither of *sufficient Age*, or *Learning*, for so
great a Charge. The *King* Answered, [5] Then He would keep
the *Bishopric* eight or nine Years in his hands, and by that time He
would be capable of it.

[6] fol. 769.
n. 10.
S. Monfort
Earl of Leyce-
ster subdued
the rebellious
Gascoigns.

This year in June [6] *Simon Montfort Earl* of *Lepcester* (al-
though he had undertaken the *Crusado*) passed over Sea into *Gasraig-
ny*, and subdued all that were in rebellion against *King Henry*, and
in every thing behaved himself with such *fidelity* and *Courage*, that
he gained the applause of all the *Kings* friends, and the Name of a
trusty Patriot.

This

This year on the 3d of July [7] dyed *Alexander King* of *Scot-*
land.

In the year 1250. *King Henry* kept his [8] *Christmases* at *Win-
chester*, and after the celebration came to *London*. At the same time
[8] *Cincta Earl Richards Wife* was brought to bed of a Son, who
was named *Edmund*.

Soon after many of the [9] *Nobility* of *England*, for reasons
not known, passed over Sea; Among whom were *Richard Earl* of
Cornwall, and the *Earl* of *Gloucester*, *Henry de Hastings a Baron*,
Roger de Turkebi, and many other Nobles; Besides the *Bishops* of
Lincoln, *London* and *Worcester*; And with them the *Archdeacons*
of *Exford*, and *Bedford*, and many other *Clerics*.

On the Seventh of *March* the *King* and many of the *Nobility* and
Clergy undertook the *Crusado*; [1] There were in all about 500
Knights, besides an innumerable Number of *Esquires* and *Common*
Souldiers.

In May [2] *Earl Richard* returned into *England* from the *Court*
of *Rome*, where he was received and treated, both by the *Pope* and the
Cardinals, in a most *Pompous* and *Magnificent* manner, to the admi-
ration not only of the *Citizens*, but of all *strangers* that were pre-
sent at his entrance, and saw his entertainment; which Occasioned
various *Conjectures*, but most then thought, That the *Pope* knew
he was both *Rich* and *Ambitious*, and at that time designed to pro-
mote him to the *Empire*. At the same time the [3] *Earls* of *Gloucester*
and *Lepcester*, with many other *Great men*, and *Prelates*, returned
into *England*.

About Midsummer there was great [4] *Stir* in the *City* of *Lon-
don* about some *Liberties* of the *Citizens*, the *King* had granted to the
Abbat of *Westminster*; the *Mayor* with the whole *Community*
of the *City*, made their complaint to the *King*, but could obtain no
Remedy: Then they applied themselves to *Earl Richard*, and to the
Earl of *Lepcester*, and some other *Great men*, who went to the *King*
and severely blamed him for infringing those *Charters* his *Pre-
decessors* had granted to the *City*, and also severely *Reproved* the *Ab-
bat*, as one that occasioned; and moved the *King* to this Violation:
By this means the *King* was restrained from proceeding any further
in his Grant.

Soon after the *King* [5] complained to the *Pope*, that his *Great*
men who had undertaken the *Crusado*, designed to begin their journey
to the *Holy-Land* before he was prepared, and that they were more
ready to follow the *King* of *France* his *Capital Enemy*, than him. Up-
on this the *Pope* by his Letters, under pain of *Excommunication*, pro-
hibited any from going without the *Kings* leave; and for the better
Security, [6] He sent to the *Wardens* of his *Ports* to hinder any of
his *Great men* from passing over Sea.

H h h h z

This

[7] fol. 770.
n. 40.
The King of
Scot death.
[8] fol. 771.
n. 10.
The Counts
of *Cornwal*
brought to
bed of a Son.

[9] Ibid. n. 50.
Many of the
Nobility and
Bishops go
over Sea.

The King,
Noblemen,
and *Clerics*
undertake the
Crusado.

[1] Ibid. n. 50.
[2] fol. 777.
n. 30, 40, 50.
Earl Richard
kindly re-
ceived and
treated by the
Pope.

[3] fol. 779.
n. 40.
The Great
men return
into *England*
again.

[4] fol. 783.
n. 10.
Great *Stirs*
in *London*
about some
Liberties of
the *City*.

[5] fol. 785.
n. 20.
King Henry's
complaint to
the *Pope*
against his
Great men.

[6] Ibid. n. 30.

[7] Ibid. n. 40. *Aron a Jew* severely fined for falsifying a Charter.

[8] Ibid. n. 50. This year a certain Jew, [7] Named *Aron*, being convicted of *Counterfeiting* or *falsifying* a *Charter*, was severely fined and paid to the *King* 14000 Marks, and to the *Queen* an answerable proportion in Gold: So, that it was Computed, That this *Jew* had paid to the *King* 30000 Marks of Silver since his coming from beyond Sea, and to the *Queen* 200 Marks of Gold; as the same *Jew* informed our Author *Matthew Paris*, [8] who says they were not to be pitied, because the *Jews* were manifestly proved to be corrupters, and forgers of the *Kings* Seals and Charts.

[9] fol. 800. v. 10, 10. The Bishop of Winchester died at Tunbridge.

[10] fol. 800. v. 10, 10. This year about the Feast of St. Matthew, [9] *William Bishop of Winchester* died at *Tunbridge*; The *King* after some short sorrow for his Death, sent very kind and lost Letters to the *Monks* of that Cathedral to persuade them to choose *Etbelmarus* his Brother, their *Bishp*. [11] The *Monks* were under great difficulties how to manage themselves, They durst not reject the *King's* request, lest further inconveniences should ensue; for they thought the *Pope* the *Kings* chief *Friend*; neither were they willing to Elect one whom they knew to be hostile.

A Parlement at London.

[6] *Parlement* supra f. 695. n. 50. & lib. Addition, f. 156. n. 10. Laws made against robbers of Warrens and Parks.

This year in a *Parlement* at London there were severe Laws made against such as Robbed Parks or Warrens. [6] If the Malefactor fled and was Killed, there was neither *Law* or *Appeal* allowed for his Death: If an *Earl*, *Baron*, or *Knight* complained to the *King* that his Deer was stolen, and Inquisition was made by the *Kings* Writ, if he that was Indicted was Convicted, he was to lye in the *Kings* Prison a Year and a Day, and to pay *three years value* of his Estate, having just sufficient allowed out of it, to maintain him; after which the *King* was to have two parts, and he that received the injury, one; and then he was to find twelve *Sureties*, that he should never do the like again, in *Parks*, *Warrens*, or *Forests*; nor do anything against the *Kings* Peace, who were to answer for his *Body* and *Transgression*. And if any one were taken in a *Park* or *Warren* without the *Kings* Writ of Inquisition, he was to be Imprisoned, Fined, and to give *Sureties* as before.

[8] *Parli. f.* 698. n. 40, 50. A General Parlement held at London.

On Mid-Lent Sunday a most General Parlement of the whole Kingdom met at London according to Summons, [8] where the *King* Conferred with the *Bishops* apart, the *Earls* and *Barons* apart, and the *Abbots* and *Priors* apart, about the *Popes* not keeping his promises concerning the Removal of their Grievances, which were these,

Papal Excommunications and Oppressions.

First, That the *Pope* not content with the payment of *Peter-pence*, oppressed the Kingdom by Extorting from the *Clergy* great Contributions, without the *Kings* Consent, against the *Antient Customs*, *Liber-ties*, and *Rights* of the Kingdom, and against the *Appeal* of the *Procurators* of the *King* and Kingdom in the General Council of *Lyons*.

[7] *Dr. Pow.* Hist. of Wales, p. 315.

b. The Prince of North Wales was the [7] Superior of all the Princes of Wales, to whom the other Princes of South Wales and Powis paid a certain Tribute yearly, as appears in the Laws of *Iffwel Dda*.

Secondly,

own Revenues; therefore He required a supply both of Men and Money from him, [7] which was granted; and having received of the *Kings* Treasury 3000 Marks, and gathered together what Money he could among his own *Tenants*, and those of his *Wards*, He prepared to return into *Gallogny*.

On [8] *Candlemas* day following Henry of Bath the *Kings* *Justiciary* was accused to the *King* for *Bribery* and *Extortion*, whereby he had raised a very Great Estate upon the ruin of others; Upon this he was Attached, and when *John Mansel Chere*, one of the *Kings* principal *Counsellors* offered to be his Bail, the *King* refused him, adding that his fault was little less than *Treason*. But upon the importunate intercessions of the *Bishop* London and many others, he was set at liberty, and Twenty four *Knights* bound for his Appearance at a time appointed, *statuto Termino*.

On the 17 of February [9] according to appointment the *Parliament* met at London, where appeared the above mentioned Henry of Bath, who (beside other Crimes) was accused for inciting the whole *Baronage* against the *King* (Chamblain, &c.)

where the *Italians* were Beneficed, there was no Alms, no Hospitality, no Preaching, no Divine Service, no care of Souls, nor Reparations done to the *Parsonage* Houses.

The Result of the Conferences upon these Grievances was, That yet, for the Reverence due to the *Apostolic* See, they should again Supplicate the *Pope* by Letters, to remove the intolerable Grievances, and importable yoke, and this was done according to the *Kings* separate Discourse with them. The *King* wrote by [9] himself, the *Bishops* by themselves, the *Abbots* by themselves, and the *Earls* and *Barons* by the name of the *University* of England, by themselves, as appears by their particular Letters extant in *Mat. Park*.

But notwithstanding this Appeal, [1] the *Pope* just before the Dissolution of the Council of *Lyons*, caused the *English* *Bishops* to put their Seals to the Instrument of *King* John, by which he engaged himself and Heirs, to pay a Thousand Marks a year to *Innocent* the Third and his Successors. *Fulk* Bishop of London was very unwilling to do it, yet at last he suffered himself to be overcome. They then also Signed the Instrument of the Deposition of *Frederic* the Emperor.

And yet further to the great prejudice of the *King* and Kingdom he [2] sent his *Apostolic* Commands to the *Bishops*, That some of them should find him 15, others 10, others 5 stout men well Horsed and Armed for one year, as the *Pope* should direct. And left the *King* should make provision against this Exaction, the *Bishops* were Commanded not to discover it, under pain of Excommunication.

G g g g. 2

This

[7] Ibid. n. 40. His request granted by the King.

[8] fol. 811. n. 40, 50. Henry of Bath Justiciary accused of Bribery and Extortion.

[9] fol. 814. n. 40, 50. A Parliament assembled at London.

The result of this Conference upon these Grievances. [9] f. 699, 700, 701.

[1] f. 681. n. 40. The English Bishops at the Council of Lyons imposed upon by the Pope.

[2] f. 701. n. 50. A new Oppression of the English Bishops by the Pope.

[3] f. 705. n. 30. The Office of Marcelline granted to Earl Roger Bigod.

[4] f. 706. n. 30. Messengers sent to Rome to complain of Grievances.

[5] fol. 707. n. 40. [6] Append. n. 174. The Kings Command to the Bishops not to pay any Aid or tallage to the Pope.

[7] Paris f. 709. n. 30. A Council held at Winchester. The King prohibits from contributing to the Pope.

[8] Ibid. n. 40. 50. The Pope writeth feverently to the English Prelates. The King forced to consent to the Popes Exactions.

The Pope taketh an advantage of his caufiness. [9] f. 716. n. 10. And treateth the Clergy rigorously.

[1] Ibid. n. 20

This year by great [3] Intercession the *Marescallie* with the Office and Honor; was Granted to *Earl Roger Bigod*, by reason of his Countess's (*Patience Comitis filia*) the Eldest Daughter of *William* the great *Earl Marfhal*.

Against the great Grievances and Exactions of the Pope, [4] *William Poweric*, and *Henry de la Mare* were sent to Rome by consent of King, Bishops, Earls, and Barons. And in the mean time [5] he sent for 6000 Marks which had been charged upon the Bishops by his Cleric Master *Martin*, which so exasperated the King, That he [6] wrote to the Bishops, and Reproved them for not observing his Letters Patents, and cloie, by which he had Commanded them to pay no Aid or Tallage to the Pope, and in that Writ commanded them again not to comply with any of his Exactions contrary to the Resolution of themselves, and other Prelates, the Earls and Barons made in the Council at London.

On the 7th of July there was a Council holden at Winchester, between the King and [7] Great men about the Desolation of the Church; *William de Poweric* and *Henry de la Mare* that had been sent to the Court of Rome, were then returned, bringing back nothing of moderation from the Pope, concerning the oppressions of the Kingdom and Church of England, of which they had complained; He continued resolute in forcing his Demands, which Resolution so moved the King and Great Men, That he commanded Proclamation to be made in all Towns, Markets, and public places, no man of the Kingdom should consent to any Contribution to the Pope, or send him any Aid.

But he sharply wrote to the Prelates after he had been advertised of this Proclamation, and under pain of Excommunication and Suspension charged them to pay in the Money to his Nuncio at the New Temple London. And whereas the King was fixedly prepared to defend the freedom of the Kingdom and Church by the Threats of his Brother *Earl Richard*, and some Bishops, but especially of the Bishop of Winchester, who (as it was said) had power to Interdict the Nation, he was Baffled, and fell in the cause, so as the Contribution was paid, and the whole endeavor and hope of maintaining the freedom of the English Church and Kingdom came to nothing.

And the Pope taking a greater Confidence from what he had already done, commanded more [9] Imperiously than he were wont to do, That all Beneficed Clerics that resided upon their Livings, should pay unto him a third part of their Goods, and such as did not Reside, were to pay one half, and appointed the Bishop of London to Execute this his project.

Who [1] with some others met at St. Pauls to consider of this matter, to whom the King sent *John de Lexington* a Knight, and Lawrence of St. Martin his Cleric on the Morrow after St. Andrew or 8th of December, strictly prohibiting them to consent to that Contribution; and so they broke up their meeting to the great satisfaction of all such as were called before them: If any man thinks it worth his labor, to

peruse

peruse the Answer of the [2] Clergy to this unreasonable Exaction, may see it in *Mat. Paris*.

About this time the Bishop of [3] Lincoln by the Instigation of the Friars Preachers, and Friars Minors, made strict Inquisitions, by his Arch-Deacons and Rural Deans, concerning the Continency and Manners of Noble and ignoble, to the great Scandal of them, and the blasting of their Reputations. The King hearing the grievous complaints of his people concerning these proceedings, by advice of his Court, sent his [4] Writ to the Sheriff of *Northampton*, commanding him, That as he loved himself and all he had, That he should not permit any Laymen of his *Shire* for the future to meet in any place to make Cognitions, or Attestations upon Oath at the pleasure of the Bishop of Lincoln, his Arch-Deacons or Rural Deans, unless in Matrimonial, and Testamentary Causes.

In [1] the year 1247. King Henry with many of his Great men was the day after Christmas-day entertained at Winchester by the Bishop of that place. By this the King signified he had forgotten all former offences, and in the presence of the whole Court received the Bishop into his favour.

At the same time the King [2] summoned his Great men (Barons &c) and the Arch-deacons of England to meet at London, to consider how the Contributions the Pope required should be raised. At the day appointed all the Bishops designedly absented themselves, that they might not appear openly to confront the Popes desires.

These Continual exactions of the [3] Popes Legates and Collectors opened every ones Mouth against him, but especially in France, where they did not spare his Holiness, but loaded him with bitter reproaches and revilings for the Extortion and Rapine that was practised by his Ministers: Infomuch that the [4] Great men of the Kingdom (*Omnes regni Majores*) Decreed, and by Oath Established it, That No Cleric or Laic for the future should compel any one to appear before an Ordinary, Judge, or Delegate, unless upon the Account of Heresy, Matrimony, or Usury, upon Forfeiture of all his Goods and loss of one of his Members.

This resoluteness of the French very much Troubled the Pope, [5] so that he endeavoured by all means to soften them into a compliance with him; he bestowed many Ecclesiastical Benefices among their Relations, and gave them licence to obtain more, and other Indulgences; besides, he was bountiful in his gifts among the Noblemen, which brought many over to him from their former Resolution.

The Day after [6] Candlemas the Parliament met at London, where the King was informed, that the King of France had a design upon Gascony, and that it would not be only a great reproach, but a prejudice to him to suffer it to be lost, seeing he received yearly from Burdeaux 1000 Marks: The Archdeacons of England, and very many of the Clergy met the Great men there: They complained of the frequent and intolerable Exactions of the Pope, affirming to the King

[2] Ibid. n. 30. 40. 50.

[3] Ibid. l. 11. r. The Bishop of Lincoln maketh an inquisition into the lives of the People.

[4] Appendix n. 175. The King forbids the Execution of it.

A. D. 1247. l. fol. 719. n. 20. The King reconciled to the Bishop of Winchester.

[5] Ibid. n. 30. A Council called at London. The Bishops absent themselves.

[6] Ibid. n. 40. 50.

A general Clamour against the Pope and his Ministers. [4] fol 710. n. 20. A Decree of the Great men of France against Papal Jurisdiction.

[7] Ibid. n. 30. The Popes method to regain the good will of the French.

[8] Ibid. n. 50. A Parliament at London.

The Clergy's complaint to the King of the oppressions and Exactions of the Pope. What was resolved in this Affair.

[7] Append. n. 176. The Summe of their Letter to the Pope.

King; That if these were suffered, His Kingdom would be endangered, and both Laity and Clergy would be ruined by a desolation that former times had not known. Upon this, It was resolved that *direct Messengers* should be sent to the Court of Rome, with Letters, both to the *Pope*, and *Cardinals*, on the behalf of the Community of the whole Clergy and Laity of the Realm, shewing their Greivances and Oppressions.

The [7] Summe of that to the Pope, was a profession of their *readiness* to obey his *Holiness*; but desire his Pardon if they could not then comply with his *Demands*; for altho their Country yielded Plenty of Fruits for the Nourishment of its Inhabitants; yet it afforded no Money, neither was it sufficient to Supply what was required; for their own Kings' Necessity urged what they could spare towards the defence of his own Dominions against the assaults of his Enemies, and so concluded That any further burthens would prove insupportable to them.

[8] Append. n. 177. The Communities Letter to the Cardinal.

Their Letter to the [8] Cardinals was to this Effect. They first give a hint of their *grievances*, and what they had contributed since the last *Lateran Council*, first a *Twentieth* part for three years for an *Aid* to the Holy Land; then a *Tenth* to the Pope; afterward several other payments for different Uses at the Command of the *Apostolic See*. Then they urge the great necessity, and wants their own King lay under, whom they were bound to Assist as their Lord and Temporal Patron; and that they themselves were now reduced to such *penury*, that if all they had were exposed to sale, it would not be sufficient to answer what was demanded: Wherefore they humbly beseech them, to represent their condition to the Pope, and endeavour to divert his Thoughts, his hands, and his Counsels, from such grievous Oppressions.

[9] fol. 722. lin. 3. * Because he cut off all the advantage with a (*non obstante*) at any time when he pleased.

[1] Ibid. n. 10. The Kings Wards married to Foreigners.

[2] Ibid. n. 10. 30, 40, 50. Two Friars Minors sent into England, to be the Popes Collectors. Their Arrogant behaviour to the English Prelates.

About the same time the Pope [9] granted to King Henry (*Unbrutale Privilegium*) a *pretended and deceitful privilege: That No Italian, or Nephew of His, or Cardinals, should henceforward be sent into England to be beneficed, unless He, or his Cardinals first ask, and obtain leave of the King, to have him provided for.

Before the Council was ended, Peter of [1] Sabot Earl of Richmond, came to the Kings Court at London, and brought with him several young Women from his own Country to be married to the young Noblemen that were the Kings Wards, which thing much disgusted his own Native Subjects.

This year [2] John and Alexander, Two Friars Minors, Englishmen by birth, were sent from the Pope with his Authority to be his Collectors or Exactors of Money in England; and pretending to ask Charity only, and use no force, they obtained the Kings Licence; And then went to the chief Prelates, and very sawcily required of them Money to the use of their Lord the Pope, and sometimes demanded xxs for a *Procuracion*, which was to be paid without delay; if not, they produced the Popes Thundering Letters (*Litteras fulminantes*) to affright and constrain them to it. When they came to the Bishop of Lincoln, who was a great Admirer of that Order, He stood amazed

amazed at their habit (which was more Souldier-like, than Religious.) But when they had shewed him the Popes Letters, and demanded of him 6000 Marks to be forthwith paid out of his Bishopric: He Answered with great grief of Heart, That such Exactions were never heard of before, and very unjust, because it was impossible to answer them. And seeing it concerned the University of the Clergy and Laity (*Universitatem Cleri & Populi*) of the whole Kingdom, He could give them no Answer in such a Difficult Affair until he had first consulted the Community of the Kingdom. Then they parted from him and went to St. Albans, and demanded of the Abbat 400 Marks to be paid to them for the Popes use. But they received much the same Answer from him, they had before from the Bishop.

About the same time, the [3] Pope by his Messengers, the Friars Preachers, and Minors, sent to all the Chief Prelates in France, and desired them to Lend him Money according to Every ones Ability, and whatever they Lent should be repaid them without fail, when He was able to do it. When this was known to the King of France, He prohibited them under pain of forfeiting all their Goods, from lending any such Sums, lest thereby his own Kingdom should be impoverished.

This year [4] Godefrid was sent Legat into Scotland, although there was no Occasion for any, and John Rufus into Ireland (*quasi Legatus*) in stead of a Legat, that he might thereby elude the Privilege lately granted to King Henry, who so well managed his Master the Popes business there, that He extorted from them 6000 Marks, which sum was conveyed to London by the Religious, and payed into the Popes Treasury.

The same year [5] King Henry followed the Example of the Great men of France, who by their Kings approbation had entred into a Confederacy, and made a Decree against the insatiable Avarice and Oppression of the Court of Rome, That the same Exactions and Extortions might for the future be prevented here, and the Jurisdiction of the Spirituality restrained, He ordained, that these following Orders should inviolably be observed through England. That No Laic should bring any Case before an Ecclesiastic Judge unless it concerned Marriage or Testaments. The King likewise gave the Bishops a certain Form to proceed in Cases of Bastardy, To inquire whether they were born before, or after Marriage. Clercs were prohibited by the Kings Writ to Commence any Actions for Tythes before an Ecclesiastic Judge, and that Writ by which they were to proceed was called *Indicavit*. That an Oath should be given to Clercs, to Discover whether they had proceeded in any Case contrary to the Kings Prohibition: Whereas they are not bound to Swear but before an Ecclesiastic Judge in Spiritual Causes. Also concerning Clercs, for Crimes imposed upon them by Laics.

In the beginning of Lent the forementioned [6] John a Minorite, Demanded of the Church of St. Albans 400 Marks, the Second time, and by Virtue of his Authority cited the Abbat of St. Albans to appear at London three Days after, either in Person or by his Proxy

Their Demands of the Bishop of Lincoln and Abbat of St. Albans.

[3] fol. 713. lin. 3. The Pope sends to borrow money of the French Prelates.

But are forbidden by the King.

[4] Ibid. n. 30. A Legat sent into Scotland.

The Popes Extortions in Ireland.

[5] fol. 717. n. 30, 30.

The Jurisdiction of the Clergy restrained.

[6] fol. 718. n. 20, 30, 40, 50. The Abbat of St. Albans cited to London by the Popes Collector.

The Appeals to
the Pope

[7] fol. 729.
n. 30.
20, 50.
But without
Remedy.

Frier, John
writeth to the
Pope for ad-
ditional Pow-
ers.

[8] fol. 730.
lin. 6.
The Nobility
and Clergy
meet the King
at Oxford.

The Prelates
consent to
contribute
11000 Marks
to the Pope.

[9] fol. 742.
n. 30.

A.D. 1248.
[1] fol. 743.
n. 40, 50.
A Parliament
called at Lon-
don.

[2] fol. 744.
line. 1.
The King re-
quired an Aid,
but is denied.
And is repro-
ved by his
Great men for
misarranges.

Proxy, to satisfy the Popes Demands, that were lately made to him: The Abbat sent his Archdeacon, to appear for him at the day appointed; who after he had demanded and with difficulty obtained a Copy of the Brief; Answered, That the Abbat designed to send special Messengers to Rome to acquaint the Pope with these grievances, and for remedy appealed to him; because [7] both the Abbat and Convent thought they should meet with more favour from the Pope than they could expect from him. When they came to Lyons (where the Pope then resided) They were coldly received and met with great difficulties, and some checks; Namely, That they did not give that respect, and pay that reverence, which was due to the Popes Messenger, and that their Abbat was the only person amongst all the Abbats of England, that refused to yield Obedience to his Commands. When they saw their entertainment, and no remedy to be expected, they compounded for 200 Marks, and their expences amounted to 100 more.

When Frier John the Dinovite saw the Clergy, especially the Abbats, so unwilling to yield to his demands, He wrote to the Pope, to have his power enlarged; The Popes Answer, together with the Letters of additional powers are in Additament. Matt. Par. fol. 159, 160.

About the same time, the King finding the [8] State of his Realm endangered and much impoverished by Papal exactions, and the Money carried out of his Kingdom without any advantage to the Church, He commanded the whole Nobility of the Kingdom [omnem Totius Regni Nobilitatem] to meet at Oxford; But the Prelates were in a more especial manner called, that they might consult, how the Church might be relieved from such oppressions as it now lay under. But they contrary to all expectation presently consented to a Contribution of 11000 Marks, and the Clergy were constrained to pay it into the hands of the Bishops of Winchester and Norwich, and such as refused were wearied into a compliance, by the troubles and damages, they received from John the Minorite; nor did the Abbat of St. Albans fare the better for that he had sent the Pope fourscore Marks the year before.

In the year 1248. King Henry [9] kept his Christmas at Winchester, with many of his Great men.

Soon after, [1] He summoned the Nobility of the whole Kingdom of England to meet him at London Eight days after Candlemas. Besides a great Number of Barons, Knights, Noblemen, Abbats, Priors, and Clerics, there came thither Nine Bishops, and as many Earls; The Arch-bishop of York, the Bishops of Winchester, Lincoln, Norwich, Worcester, Ely, Rochester and Carlisle; Earl Richard, the Earls of Gloucester, Leicester, Winchester, Hereford, Roger Bigod Marshal, and Oxford; besides, the Earls of Lincoln, Ferrars, Warren and Richmond. The Arch-bishop of Canterbury was beyond Sea, the Bishop of Durham was infirm, and the Bishop of Bath was lately dead. When they were assembled, the King required of them an Aid. But they [2] reproved him for asking it without Blushing (as saith the Monk), seeing when they granted the last, he promised by his Chart, he would not any more burthen his Great men.

men. Moreover they blamed him for his repeated kindness, and Liberality to Forreigners, and contempt of his Native Subjects, for not encouraging the trade of his own Kingdom, [3] for keeping Bishops, and Abbys void, in his own hands: To these they added, That neither the Justiciary, Chancellor or Treasurer were made by the Common Counsel of the Kingdom (per Commune Consilium Regni) as they were in his Predecessors Reigns.

When the King heard these things, [4] he was much concerned, and promised that what was amiss should be speedily corrected; To which the University of England Answered, That as they had often, so they would now patiently wait a short time, and see whether he meant as he spake; and according as he performed his promise, so they would their obedience to him in all things. So the further consideration of this Affair was put off till fifteen days after Midsummer.

At the day [5] appointed, the Nobility of all England (Nobilitas totius Anglie) met at London, and were received by the King with this following Speech, That they did not treat their King civilly, but would have him submit to their pleasure, and yield to any Terms they should offer him; and did deny that Liberty and Authority to him, which every Master Exercises in his own Family; every Master of a Family may use, whole and what Counsel he please, and may put in and put out what Officers he please in his own House, which you deny to your King: And as Servants ought not to Judge or impose any Difficulties upon their Lord, so neither Vassals on their Prince; and therefore was resolved, neither to remove the Chancellor, Justiciary or Treasurer at their pleasure, nor to appoint others. And then added, that he expected from them a pecuniary Aid, for the defence and recovery of his Rights, which concerned them beyond the Seas: To all which they unanimously Replied, That they would no longer impoverish themselves to enrich Strangers, as they had formerly done, when they gave money towards his Expedition in Castaigne and Poitou: So the Parlement was dissolved in great disorder, without any satisfaction, either to the King or themselves. But the King was hereby [6] reduced to so great necessities, that he was constrained to expose to Sale his Jewels, Plate, and other Ornaments of his House; and such Vessels as were curiously wrought and Gilded, were Sold, not according to their value, but weight. When the King enquired where he should meet with Buyers, it was Answered, At London. The King replied, If the Treasury of Octavian were to be sold, the City of London were able to purchase it.

This year on the 13th of October, [7] the King with many Prelates and Great men met at London to celebrate the Memory of the Translation of St. Edward, and caused a New Fair to be proclaimed at Westminster, to continue 15 days, and prohibited all other Fairs that used to be kept at that time of the year; throughout all England, and also all Trading in the City of London, within Doors and without, during that time; That this Fair at Westminster might be the more plentifully stored, and frequented with all sorts of Goods and People.

H h h h

This

[3] Ibid.
n. 20, 30.

* There are
no Instances to
be found of
that in his
Predecessors
times
[4] Ibid. n. 40.
His concern,
and promise
to correct
what was
amiss.

The Answer
He received.
[5] fol. 748.
n. 30, 40, 50.

The Kings
Speech to the
Parliament.

Their An-
swer, and Re-
solve against
granting any
Aid.
[6] fol. 749.
lin. 1.
The King re-
duced to great
straights.

[7] fol. 751.
n. 10, 20.
A new Fair
proclaimed
at Westminster
to hold 15
days.

[8] fol. 74.
n. 10, 11, 12.
The Pope
Endeth his
Italians to be
Benched in
England.
* Adhmar, af-
terwards E-
lect of Win-
chester.
The Abbat of
St. Albans ci-
ted to Rome
for refusing to
accept one.

A. D. 1149.
[9] fol. 77.
n. 20.
[1] fol. 78.
n. 20, 20, 30,
40, 50.
The King
wants prets
him to ask
Money of his
Subject.

[2] fol. 79.
lin. 3.

[3] Ibid. n. 20.
Nicholas Bi-
shop of Dur-
ham resigned
his Bishopric.
[4] Ibid. n. 50.
The King re-
commended
his brother
Erlmar to the
Convent.
The Monk
refuse to
choose him.
[5] fol. 760.
lin. 4.

[6] fol. 767.
n. 20.
S. Montfort
Earl of Leice-
ster subdued
the rebellious
Gascoign.

This year the Pope [8] continued his *Extortions* from, and Op-
prissions of the English, and sent his *Italians* to be without delay
benched in England, whereof One was sent to the Abbat of Aden-
dune, who made choice of the Church of St. Helena in the same
Town, worth 100 Marks by the year; and the same day it became
void the King send his Mandate to the Abbat to confer it upon *
Erlmarus his Brother, by the Mothers side, and the King would
protect and indemnify him. The Abbat yielded to the Kings Com-
mand. Upon this the Pope cited the old Abbat to appear before him
at Rome, who being deserted by the King, was constrained to take
that wearisome, and tedious Journey; where after many difficulties
and expences, he compounded for fifty Marks.

In the year 1249. the King kept his [9] *Christmas* at London, and
required of the *Citizens* New-years gifts. Then he sent to the [1]
Citizens of London, to supply him with Money, which they received
with a heavy Heart, and complained, That that *Liberty* which was so
often bought, granted, and Sworn to, would not now distinguish them
from Slaves of the meanest rank; but at length with great relu-
ctancy were constrained to pay 2000 pounds; but this would not
satisfy the Kings wants, therefore he was forced to apply himself
to his Great men one by one, and requested them to Lend him Money,
both to supply his Necessities, and pay his Debts, and also to inable
him to recover those Rights the King of France had invaded: And
in a most Submissive Manner made his urgent Necessities known to
the Prelates and Abbats, and begged of them either to give or lend
him such or such a Sum of Money; but could obtain nothing but
Excuses or denials, unless from the Abbat of St. Albans, from whom
he received Sixty Marks. This encouraged the King to hope the
like success from other Prelates and Abbats, and accordingly [2]
wrote to those of Effer and Hertford, to Lend him Money for his
present Necessities, and gave them his promise Faithfully to repay
the same.

This year [3] Nicholas Bishop of Durham being sensible of his
great Age, and infirmity, resigned his Bishopric, and withdrew him-
self from all public Affairs, to a private Life. The King recommended
[4] Erlmarus his Brother to the Convent, and by Messengers,
and repeated Entreaties would have persuaded them to choose him
to be their Bishop. To whom they replied, that He had at his Coro-
nation sworn to preserve the Church's Liberty, and that the person
recommended, was neither of sufficient Age, or Learning, for so
great a Charge. The King Answered, [5] Then He would keep
the Bishopric eight or nine Years in his hands, and by that time He
would be capable of it.

This year in June [6] Simon Montfort Earl of Leicester (al-
though he had undertaken the *Crusado*) passed over Sea into Gascoig-
ny, and subdued all that were in rebellion against King Henry, and
in every thing behaved himself with such fidelity and Courage, that
he gained the applause of all the Kings friends, and the Name of a
trusty Patriot.

This

This year on the 3d of July [7] dyed Alexander King of Scot-
land.

In the year 1250. King Henry kept his [8] *Christmas* at Win-
chester, and after the celebration came to London. At the same time
[8] Cuncta Earl Richards Wife was brought to bed of a Son, who
was named Edmund.

Soon after many of the [9] *Nobility* of England, for reasons
not known, passed over Sea; Among whom were Richard Earl of
Cornwal, and the Earl of Gloucester, Henry de Hastings a Baron,
Roger de Turkebi, and many other Nobles; Besides the Bishops of
Lincoln, London and Worcester; And with them the Archdeacons
of Oxford, and Bedford, and many other Clerics.

On the Seventh of March the King and many of the Nobility and
Clergy undertook the *Crusado*; [1] There were in all about 500
Knights, besides an innumerable Number of Esquires and Common
Soldiers.

In May [2] Earl Richard returned into England from the Court
of Rome, where he was received and treated, both by the Pope and the
Cardinals, in a most Pompous and Magnificent manner, to the admi-
ration not only of the Citizens, but of all strangers that were pre-
sent at his entrance, and saw his entertainment; which Occasioned
various Conjectures, but most then thought, That the Pope knew
he was both Rich and Ambitious, and at that time designed to pro-
mote him to the Empire. At the same time the [3] Earls of Gloucester
and Leicester, with many other Great men, and Prelates, returned
into England.

About Midsummer there was great [4] Stir in the City of Lon-
don about some Liberties of the Citizens, the King had granted to the
Abbat of Westminster; the Mayor with the whole Community
of the City, made their complaint to the King, but could obtain no
Remedy: Then they applied themselves to Earl Richard, and to the
Earl of Leicester, and some other Great men, who went to the King
and severely blamed him for infringing those Charters his Pre-
decessors had granted to the City, and also severely Reproved the Ab-
bat, as one that occasioned; and moved the King to this Violation:
By this means the King was restrained from proceeding any further
in his Grant.

Soon after the King [5] complained to the Pope, that his Great
men who had undertaken the *Crusado*, designed to begin their journey
to the Holy Land before he was prepared, and that they were more
ready to follow the King of France his Capital Enemy, than him. Up-
on this the Pope by his Letters, under pain of Excommunication, pro-
hibited any from going without the Kings leave; and for the better
Security, [6] He sent to the Wardens of his Ports to hinder any of
his Great men from passing over Sea.

H h h h 2

This

[7] fol. 770.
n. 49.
The King of
Scots death.
[8] fol. 772.
n. 10.
The Countess
of Cornwall
brought to
bed of a Son.

[9] Ibid. n. 50.
Many of the
Nobility and
Bishops go
over Sea.

The King,
Noblemen,
and Clerics
undertake the
Crusado.

[1] Ibid. n. 50.
[2] fol. 777.
n. 30, 40, 50.
Earl Richard
kindly re-
ceived and
treated by the
Pope.

[3] fol. 779.
n. 40.
The Great
men return
into England
again.

[4] fol. 783.
n. 10.
Great Stir
in London
about some
Liberties of
the City.

[5] fol. 785.
n. 20.
King Henry's
complaint to
the Pope
against his
Great men.

[6] Ibid. n. 30.

[7] Ibid. n. 40.
Aron a Jew
severely fined
for falsifying a
Charter.

[8] Ibid. n. 50.

[9] fol. 800.
n. 10, 30.
The Bishop of
Winchester
Death at Tu-
ron.

[1] f. 801.
n. 20.

[2] Ibid. n. 50.
Ethelmarus
the Kings Bro-
ther chosen
Bishop of
Winchester.
[3] fol. 802.
lin. 5.

[4] fol. 803.
n. 40, 50.
The Pope
ask's King
Henry's leave
to reside at
Burdeaux.

The King
takes time
to consider of
an Answer.

A. D. 1251.
[5] fol. 807.
lin. 5; &
n. 20.
The King re-
trencheth the
Expences of
himself should.

[6] f. 810. n.
10.
Monsfort re-
quies a sup-
ply of men and
money for
Gascogny.

This year a certain Jew, [7] Named Aron, being convicted of Counterfeiting or falsifying a Charter, was severely fined and paid to the King 14000 Marks, and to the Queen an answerable proportion in Gold: So, that it was Computed, That this Jew had paid to the King 30000 Marks of Silver since his coming from beyond Sea, and to the Queen 200 Marks of Gold; as the same Jew informed our Author Matthew Paris, [8] who says they were not to be pitied, because the Jews were manifestly proved to be corrupters, and forgers of the Kings Seals and Charts.

This year about the Feast of St. Matthew, [9] William Bishop of Winchester died at Turon; The King after some short sorrow for his Death, sent very kind and soft Letters to the Monks of that Cathedral to persuade them to choose Ethelmarus his Brother, their Bishop. [1] The Monks were under great difficulties how to manage themselves; They durst not reject the Kings request, lest further inconveniencies should ensue; for they thought the Pope the Kings close Friend; neither were they willing to Elect one whom they knew to be altogether insufficient for so great a charge: [2] At last after many disputes the Kings powerful request prevailed, and Ethelmarus was chosen Bishop, and forthwith Solemn [3] Messengers were sent to give the Pope notice of it, with Letters full of entreaties and promises to induce him to approve of what was so very pleasing to the King.

Soon after the King received [4] Solemn Messengers from the Pope, to desire leave of him, to let him reside some time at Burdeaux; for the Earls of Poitou and Provence, Brothers to the King of France (who was lately taken Prisoner by the Saracens) looked upon the Pope to be the principal Author of this misfortune, because he had hindered those who had undertaken the Crusado, from proceeding according to their design, and had absolved many from their Vow. There passed hard words between the Pope and them, and they parted from each other in great anger. The Earls made what hast they could into England to sollicite the King to give them what assistance He could in this juncture, for the Relief of their Brother, urging to him the Vow he at present lay under. This reduced the King to great streights; for if he consented to the Popes request, he made the Emperor his Enemy; If he refused him, he then incurred his displeasure; whereupon the King took longer time to consider what Answer he should return.

In the year 1251. King Henry kept his [5] Christmases at Winchester, but the usual plenty and Hospitality was laid aside, and the accustomed distribution of gifts was omitted, and no one was an acceptable guest at Court, who did not bring some gift or present to the King, Queen, Prince Edward, or some Courtier.

On Epiphany day [6] Simon Montfort Earl of Leicester, after he had in a great measure reduced Gascogny to the Kings obedience, came into England, accompanied only with three Esquires, & went to the King, and acquainted him with the great charge and expence he had been at, to repress those Rebels, but could no longer maintain it out of his

OWN

own Revenues; therefore He required a supply both of Men and Money from him, [7] which was granted; and having received of the Kings Treasury 3000 Marks, and gathered together what Money he could among his own Tenants, and those of his Wards, He prepared to return into Gascogny.

On [8] Candlemas day following Henry of Bath the Kings Justiciary was accused to the King for Bribery and Extortion, whereby he had raised a very Great Estate upon the ruin of others; Upon this he was Attached, and when John Mansel Clerc, one of the Kings principal Counsellors offered to be his Bail, the King refused him, adding that his fault was little less than Treason. But upon the importunate intercessions of the Bishop London and many others, he was set at liberty, and Twenty four Knights bound for his Appearance at a time appointed, statuto Termino.

On the 17 of February [9] according to appointment the Parliament met at London, where appeared the above mentioned Henry of Bath, who (beside other Crimes) was accused for incensing the whole Baronage against the King (Universum Baronagium contra ipsum Regem exasperavit,) upon which a general Sedition was like to ensue. The King was so highly provoked against him, that he caused it to be openly proclaimed in his own Court, and in London, That if any Person had any Action or Complaint against him, he should come in, and be fully heard. One of his fellow Justices laid to his charge, that for Money he acquitted and discharged one convicted of Notorious Crimes; which so enraged the King, that he publicly declared, That if any one should Kill Henry of Bath, he would pardon him. And he had been soon dispatched, had not the prudence of John Mansel and the threats of the Bishop of London, secured him from violence. But at length having made Earl Richard, [1] his Friend, through his powerful mediation, and the promise of a good Summ of Money, he gained his Liberty. [2] About the 21 of July following, he returned again to Court, and was reconciled to the King upon the payment of 2000 Marks.

About this time [3] Ethelmarus the Kings Brother by the Mothers side, was by the Pope approved of and confirmed in the Bishopric of Winchester. At the same time the Pope sent to the King to make a yearly allowance of 500 Marks for the maintenance of the Duke of Burgundy's Son, a Young Child.

This year Wales was [4] wholly subdued, and received the English Laws; and that part of it which Borders upon Cheshire, was committed to the Government of Alan de Louch, who answered to the King 1100 Marks by the year.

About this time [5] the Pope sent [5] John de Cantuarbia his Nephew and Chaplain, into England, with Letters to the Abbat and Convent of St. Albans, commanding them to confer upon him the Patronage of Wendegreave, or any other Benefice that belonged to their Patronage, if desired by the above Named John, when it became voyd; notwithstanding that Indulgence or Privilege lately granted to the English, that Benefices of Roman Clercs, that should become vacant

[7] Ibid. n. 40.
His request
granted by
the King.

[8] fol. 811.
n. 40, 50.
Henry of Bath
Justiciary ac-
cused of Bri-
bery and Ex-
tortion.

[9] fol. 814.
n. 40, 50.
A Parliament
assembled at
London.
Crimes that
were objected
against the
Justiciary.
The King
shows his
displeasure
against him.

[1] fol. 815.
lin. 6.
Earl Richard,
sued his
friend.

[2] fol. 820.
n. 304.
And recon-
ciled him to
the King.

[3] fol. 815.
n. 10.
Ethelmar's
Election con-
firmed by the
Pope.

The Pope's
unreasonable
Message to
King Henry.

[4] fol. 816.
n. 10.
Wales receiv-
eth the Eng-
lish Govern-
ment and
Laws.

[5] fol. 817.
n. 50. & fol.
818. lin. 1.
The Pope vio-
lath his own
Indulgence
granted to the
English.

vacant either by Cession, or Death, should not be conferred on any Italians.

[6] fol. 825. n. 50. The Earl of Leicester succed against the rebellious Gascoigns. [7] fol. 828. lill. 10. He returned into England with Guido the Kings third Brother.

A. D. 1252. [8] fol. 829. n. 10, 20, 30. Margaret the Kings Daughter is married to Alexander King of Scots.

[9] Ibid. n. 50. He doeth Homage to King Henry for lands held of him. King Henry requires his homage for the Kingdom of Scotland. The King of Scots Answer.

[1] fol. 83. n. 50. The Pope solicite the King Henry to assist the King of France.

[2] fol. 832. n. 30, 40, 50. The Gascoigns accusation against the Earl of Leicester. He pleads his Innocency and Merits before the King. He is again sent into Gascoign. He executes his Malice and revenge on his Accusers.

After that **Simon Montfort Earl of Leicester** [6] had by various successes against the Rebels in **Gascoign** broken their strength, and had taken **Chastellon**, a Castle of great importance to them, and their common refuge; He, together with his Wife, and [7] **Earl Guido de Lusignan**, the Third Brother of the King by the Mothers side, Landed at **Dover** in November. When the King had Notice of it, He commanded his Great men and Citizens of London to receive his Brother with all solemnity, and signs of joy. And after he had supplied his wants by the Kings bounty, he returned home plentifully furnished with Riches.

In the year 1252. King Henry kept his [8] **Christmas** at **York**, because his Daughter **Margaret** being now of full age, was to be solemnly married to **Alexander** the Young King of **Scots**. And for the more glorious celebration of these Nuptials, there met a very great confluence of the Clergy and Nobility, not only of England, and Scotland, but several from France. On Christmas day King Henry knighted **Alexander King of Scots**, and the next day very soon in the Morning, He was Married to the Kings Daughter: [9] Then He did Homage to the King of England, for **Lowther** and some other Lands he held of him, and after that, It was demanded that he should do the same Homage and Fidelity to his Lord the King of England for the Kingdom of Scotland, as his Predecessors had formerly done. To which the King of Scots replied, That he came thither in a peaceable manner, and by Marriage of his Daughter, to unite himself more close to him; but not prepared to give an Answer to such hard Questions, for he had not consulted his Nobility about so difficult an Affair. When the King heard this modest reply, he would not press him any further at present; left the designed mirth and jollity of the Nuptial Solemnity should be thereby disturbed.

Soon after the Pope [1] wrote to the King to hasten his preparation for the Holy Land, to prosecute the Vow he lay under, and give what Aid and Relief he could to the King of France. And if He would not go in person, not to hinder others, who stood obliged by the same Vow. The King to shew his readiness to answer the Popes request, took great quantities of Money from the Jews, nor were his Christian Subjects spared.

In the Spring following the [2] Noblemen of Gascoign, sent over their complaints to the King against **Simon Earl of Leicester**, accusing him of Unfaithfulness and Treachery. When the Earl heard of what was laid to his charge, He went to the King and pleaded his Innocency, and wondred he should give more Credit to his rebellious Gascoigns, than to him, who had given such proofs of his Fidelity. To whom the King replied, That if he were Innocent, a strict inquiry would render him the more Eminent; The Earl being calmed and humbled by this Answer of the Kings, was again furnished with Money for his return into Gascoign, which he hastened as much as possible, that he might execute his Malice and revenge on those

those that had accused him to the King: And He did it with such rigor at his return, that all Gascoign had [3] revolted from their Allegiance to the King of England, and sought out a New Lord, could they have found any other Country to have sold their Wines with such advantage to themselves.

Soon after the Great men of Gascoign agreed to send [4] solemn Messengers to the King of England, to acquaint him how his faithful Subjects in that Country were inhumanely treated by the Earl of Leicester; and drew up the charge or Accusation against him, which was Testified by the Seals of their Cities, Great men, Castellans, and Bayliffs. And this was carried to the King by the Archbishop of **Burrough**, and several Great men [5] who landed in England about **Whitsunside**, and found the King at London, before whom, they laid a lamentable [6] complaint of the Treachery and Tyranny of the Earl of Leicester. The King would not give a hasty belief to their complaints, because he had found them Traytors when he was in Gascoign; But waited till the return of **Nicholas de Bolls**, and **Duogo Valentín**, whom he had sent thither to enquire into the Truth of their accusation.

At their Return they [7] reported to the King, that they found some had been inhumanely treated by the Earl, but, as they believed, according to their Merits: The Archbishop of **Burrough**, and such have as came with him, required they might prove their Accusation, and then have Judgment, and protested by Oath they would never obey the Earl; and begged of the King to provide them a new Governor; but that was not enquired into because the Earl was Absent: Then a day was appointed to examine further into this Affair. The Earl of Leicester had procured **Earl Richard**, and the Earls of **Glocester** and **Hereford** together with many other Noble and Great men, who were his close friends, to be present: At the time presided the Earl appeared, and so pleaded his Innocency, and vindicated himself, that he stopped some of his Adversaries Mouths; and when the King saw that his Brother **Richard**, favoured the Earl, He also moderated his Anger he had conceived against him. After long debates, and reflections upon each other, The Earl [8] repeated the Service he had done the Crown, and the promises and Grants the King had made him, and the Expences he had been at in his Service; and boldly demanded of the King performance of his Bargain, and recompence for his charges. The King replied he would not stand to any promise made to one that was a Traytor. The Earl told the King He lied, and were he not a King would make him eat his Words. Adding in a most reproachful manner, and Questioning, Whether any man could believe he was a Christian, or whether he had ever been at **Constitution**? The King replied, Yes. The Earl answered, what availeth confession without Penance and satisfaction? To which the King replied, That he never had more reason to repent of any one thing so much, as that he had permitted him ever to enter into England; and that he had given Honors and possessions to one so ungrateful. The King had forthwith caused him to be apprehended and imprisoned, but that he had Notice that some of the Great men would abet, and support him: At length by the interposition of friends they parted from each other.

[3] fol. 833. lill. 4.

[4] 836. n. 10. The Gascoigns repeat their complaints against him to the King.

[5] Ibid. n. 10.

[6] fol. 838. n. 40, 50. The King not very ready to credit them.

[7] fol. 836. n. 40, 50.

They desire they may have a fair Tryal against him.

Earl Richard and several other Great men side with Montfort.

[8] fol. 837. lill. 10. n. 10, 20. Montfort urges all his services were rewarded.

The Kings Answer, and Montforts impudent reply.

The Great men abet and support him.

Soon

[9] fol. 841.
n. 40.
S. Minstrol
Earl of Leye-
ster returned
into Gascoign.

Soon after the King ordered the [9] *Earl of Leicester* to return into Gascoign, and seeing he was such a *lover of War*, he might there find *Employment enough*, and also a *reward answerable* to his *Merits*, as his *Father* had done before him. To which the *Earl* boldly replied, That he would go, and not return till he had wholly subdued the *Enemies*, and reduced the rebellious Subjects of an *unhappyful Prince*; and presently made all preparation possible to hasten his *Expedition*.

[1] fol. 845.
n. 10.
A. D. 1152.
Prince Ed-
ward made
Governour of
Gascoign.
The Gascoigns
do Homage to
him.
2 Ibid. n. 30.
40, 50.
A Skirmish
between the
Earl of Leye-
ster and the
Gascoigns.

Then the *King* called to him [1] the *Arch-Bishop of Burdeau*, and the *Gascoigns* that were with him, and those about *London*, and declared that his *Brother Richard*, whom he had made *Governour* of their *Country*, neither valued it, nor cared to see it; whereupon he gave them Notice that he conferred it upon *Prince Edward* his *Eldest Son*. This much rejoiced the *Gascoigns*, and forthwith all that were present did their *Homage* and *swore Fealty* to him; the *King* reserving to himself their *Allegiance*. Then after they had received many gifts and presents from *Prince Edward*, they prepared for their return into *Gascoign*, [2] where they found all pleased with their new *Governour*, and very busy in their Preparations, both to receive and Countermeine the *Earl of Leicester*; between whom and the *Gascoigns* was shortly after a smart Skirmish, in which the *Earl* very difficultly escaped being taken or killed; but being relieved, he soon gained the advantage, and having taken five of their principal men Prisoners, he put the rest to flight.

[3] fol. 846.
n. 10.
A general
complaint
against For-
eigners.

This year was a general [3] *Complaint* among all sorts of People, both *Clerics*, and *Layes*, of the *Oppressions* and *Exactions* they suffered from *Forreiners*, and more especially *Portugals*; and when any complained he was injured, and sought remedy by *Law*, the *Portugals* would reply, *What did the Law*, or *Affise* or *Customs*, of the *Kingdom* concern them? (*Quid ad nos de lege, de Affisis, vel regni huius consuetudinibus?*) which very much fretted the *Kings Natural Subjects*, especially, when they saw many of the *English* tread in the same steps.

[4] fol. 849.
lin. 3. The
Popes com-
mand to the
English Cler-
gy.

On [4] the 13th of *October*, (being the *Feast* of the Translation of *St. Edward*) all the *Prelates* of *England*, (except the *Bishop of Eborac*, who was infirm, and the *Arch-Bishop of Canturbury*, and *Bishop of Hereford*, that were beyond Sea, and the *Arch-Bishop of York*) met the *King* at *London*; where was propounded to them (*Papale Mandatum*) the *Popes Command*, That the [5] *Tenth* of the whole *Church*, for three years should be set apart and paid towards the defraying the *Kings* Expences in his journey to the *Holy Land*. And this not to be levied according to the old value of the *Church Revenues*, but according to the new value, and strictest inquisition, and judgment of the *Collectors*, or *Kings Officers* (*ad inquisitionem strictissimam, et voluntatem & arbitrium Regiorum Satellitum*.) Moreover the *Kings Agents* offered, That if they would pay down two years value according to the *Popes Precept*, that of the *third year*, or at least half of it, (although it was not granted in the *Bull*) should by the *Kings* bounty be remitted. To all which the *Bishop of Lincoln* replied, That they proceeded upon a supposition that was not granted, Namely, that they had consented to this *enforced*

The Bishop of
Lincoln's
Reply.

contribution (*ad maledictam contributionem*.) The *Elect of Winchester* replied to him, How can we gainsay both the *Pope* and the *King*? and moreover the *French* have consented to the like contribution. The *Bishop of Lincoln* answered, upon that very Account we ought Not to consent, for we see the effect of that contribution; a *Double act begets a Custom*: With him agreed the *Bishops of London, Chichester*, and *Worcester*, the *Elect of Winchester*, and almost all the rest, only *Salisbury* fluctuated.

The general
opposition of
the Bishops.
The King ill
resenteth it.

When the *King* had received their Answer, he replied; They do not only oppose the *Pope*, and their *King*, but also *Jesus Christ*, and the *Universal Church*. To which the *Bishops* answered, That if the *Pope* did but truly understand, [6] how they had been impoverished and oppressed on every side, he would not think it strange, that they should oppose this contribution. And when the *King* with great importunity urged the Payment of it, [7] they answered him, That both the *Arch-bishops* of *Canturbury*, and *York* were absent, and they could not do any thing without the consent of their *Primate's*.

[6] Ibid. n. 50

[7] f. 850. n.
30, 40.
But could not
gain a com-
pliance.

At the same time the *King* [8] demanded of the *Citizens* of *London* *Twenty Marks* of * *Gold*, and also to their prejudice continued the *Westminster Fair* for fifteen dayes, and would not allow them to open their *Shops* all that time.

[8] f. 852. n.
10, 20.
* That is, 9
or 10 Score
Marks in
Silver.

Soon after he [9] called his *Great men* together to consult with them about the *Affairs* of *Gascoign*: When they were met, they urged on the behalf of the *Earl of Leicester*, That the *Gascoigns* were infamous and rebellious, as appeared by their treating of their *King* when he was among them; and that they had practised *Robbery* and *depredations* on Travellers; and that the *Earl of Leicester* had three years and a half, yet remaining in his *Charter*, by which the *Government* of that *Country* was committed to him. The *King* was not at all pleased to find his *Great men* so ready to excuse the *Earl*, for he determined to have dealt with him as a *Traitor*: When the *Earl* had Notice of the *Kings* design, he replied; [1] I am very well satisfied that the *King* would destroy me to enrich some *Provincial*, or *Portugvin* with my *Earldom*: And so the *Council* was dissolved, the *King* being equally dissatisfied with the *Secular Great men* as with the *Prelates*, so as he thought to send for a *Legat*, who might force the *Clergy* by *Apostolic Authority* to answer his Demands.

[9] f. 853.
n. 40, 50.
The Great
men called to
consult about
the Gascoign
Affairs.
They reflect
upon the Gas-
coign, and
favour Le-
icester.

[1] fol. 854.
l. 1.

On the 11 of *November* [2] *Albert* the *Popes Notary* came into *England* to persuade *Earl Richard*, who was known to be wealthy above all the *Great men* of the *West*, to accept the *Popes Offer* of the *Kingdoms* of *Apulia*, *Sicily* and *Calabria*; neither was he unmindful of himself, but let the *Bishops* [3] know that he was the *Popes* favourite, and that *Presents*, and *Benefices* would be very grateful, and acceptable to him.

[2] f. 856.
n. 40.
Albert the
Popes Notary
his offer to
Earl Richard.
[3] fol. 859.
n. 40.

[4] fol. 859.
n. 40.
The yearly
revenue of the
Italian and
Foreign
Clerics.

This year [4] the Bishop of Lincoln employed one of his Clerics to take an exact account of the yearly Revenue that Italians and Foreign Clerics were possessed of in England, and it was found to amount to above 70000 Marks by the Year, and the Kings bare Revenue at the same time scarce reached to one third of that Summ. *Reditus Regni minus non ad ius partem tertiam computatur.*

[1] Paris f.
863, n. 1.
Monfort re-
signs his Pa-
tent of the
Custody of
Gascony.
Alphonso King
of Castile his
pretences to
it.

Simon Montfort Earl of Leicester this year [1] Resigned his Chari or Patent of the Custody or Stewardship of Gascony, which he had obtained of the King for five years: He purchasing him out of the remainder of his Term, which was three years, and conferred that Government upon his Son Edward. Alphonso King of Castile, so soon as he found the Earl of Leicester had quitted his Charge, and it was left to the management of a Child, [2] pretending a Grant of that Country from King Henry the Second, confirmed by Richard the First and King John. Many of the Nobility of Gascony left King Henry and joyined themselves to Him. The Citizens of Bourdeaux that were faithful to the King of England, gave him notice, That unless he sent them a quick and powerful assistance, he would lose the whole Country. [3] The King was troubled he had removed Montfort who was gone into France, and then past Recalling, and Earl Richard had been supplanted after he had obtained a Patent of that Government, so as he behaved himself warily and silently.

[3] Ibid. n. 20.

[4] f. 864. l. 4.
The English
Affairs in
Gascony in
an ill condi-
tion.
[5] Append.
n. 178.
[6] Paris f.
864, n. 40.

In Lent many Reports came from [4] Gascony, That Beole Castle and several others were taken from the English. The King was startled at this News, and caused Proclamation to be made, and sent his [5] Writts into every County, that all men should be Armed and Mustered according to Ancient Custom, and that Watch should be kept in Cities and Towns. About the [6] middle of April the Gascoigns fell one upon another, invaded each others Castles, made Captives on both sides, burnt and wasted their Houses and Lands.

[7] Ibid. n. 50.
The King re-
duced to great
strights for
want of Mo-
ney.

The King being in great streights, had [7] taken Extraordinary Courses to raise Money, no ways agreeable to the people, nor according to use and Custom, and yet wanted a very large Summ for the Expedition he intended into the Holy Land: Thereupon called a [8] Parlement to consult about the Difficult Affairs of the Kingdom, fifteen Days after Easter. (*In Quindena Pasche tota Edicto Regio convocata Anglie nobilitas convenit Londini, de arduis Regni negotiis simul cum Rege Tractatura* :) The Nobility met accordingly, and he demanded a very great supply of Money from them: After much Controversie, [8] the Arch-Bishop of Canturbury, the Bishops of Carlisle, Salisbury, and the Elect of Winchester, were sent to the King by the Bishops and all the Prelates, to persuade and induce him, (as he had often promised upon Oath) to permit Holy Church to enjoy all her Liberties, and especially those concerning Elections, in which chiefly (as they said) Ecclesiastick Liberty Consisted, and if he would Correct this Error, and those concerning the Liberties contained in Magna Charta, they would strain hard to satisfy his desires.

[8] f. 865. n.
40.
A Parlement
called at Lon-
don.
Ibid. n. 50.
The Bishops
offer the King
Money, but
upon condi-
tions.

After

After [1] fifteen days Debate of this and other things, they came to this Resolution by unanimous agreement, That the Kings Intentions of taking upon him the Crofs were Pious, and that they should not want their effect; nor should the state of the Church or Kingdom receive Detriment, and therefore the Clergy Granted him the Tenth of all Church Revenues for three years for the Relief of the Holy Land against the Enemies of God, to be Received by the oversight of Great Men. And the Military men gave him for that year three Marks of every Knights Fee. Upon which the King promised in good Faith, and without Cavil, to observe the great Charter and every Article contained in it: And the same which his Father King John had Sworn to keep many years before, and which he in like manner had Sworn to at his Coronation. [2] And then all that opposed, violated, diminished, or changed, the Liberties and Customs, contained in the Charter of Liberties, were Excommunicated and Anathematized on the third of May, (the [3] Retord says on the thirteenth of May) in the great Hall at Westminster, in the presence and by the Assent of the King, Richard Earl of Cornwall his Brother, the Earl of Norfolk Marechal of England, the Earl of Hereford, the Earl of Oxford, the Earl of Warwick, and other chief men of the Kingdom, by the Arch-Bishops and Bishops with Candles lighted in their Hands, and the [4] Charter which King John Granted was produced, and read before them, which the King regranted; and then they put out their Candles and threw them down smoking upon the Ground, and every one wished, That such as Deserved that Sentence might so sink and smok in Hell.

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The Council was no sooner [5] Dissolved, but the Gascoigns renewed their Suit to the King for assistance, who promised to come to them in person with considerable Force about the [6] first of June; he summoned all his Military Tenents to be ready with their Horses and Arms at Portsmouth eight days after Trinity Sunday, with all necessaries to pass the Seas with him; he took up a 1000 Ships of English and Foreign Merchants, and lay Wind-bound above a Month, to his great Expence and prejudice of his Affairs beyond Sea. [7] About the sixth of August, having appointed his Queen and Brother Richard to Govern the Nation in his Absence, and left his Son Edward under their care, he set Sail with a fair Wind, and on the 15th of [8] the same Month arrived at Bourdeaux, and presently commanded Beole Castle to be Besieged, and by the End of Summer, the King had [9] recovered all his Castles in Gascony by Composition, the Defendants often sending to the King of Spain for Relief, but never receiving any.

Yet the King not daring to rely upon the [1] Fidelity of the Gascoigns, and suspecting they might revolt to the King of Spain, sent the Bishop of Bath, and John Banfel his especial Cleric to him, to desire a League and Friendship with him, and that he would yeild to Marry his Sister to his Son and Heir Prince Edward, to whom he had given Gascony. His Envoys dispatch this Affair, and with his Favor and Friendship, brought back a Chart Sealed with a Golden Seal, by which he quiet claimed whatever Right he had, or could have in Gascony, by the Grant of Henry the Second, Richard the

IIii 2

First,

[1] f. 866. n.
20, 30.
The business
of the Crofs
encouraged.
A Tenth of
all Church
Revenues
granted to the
King for three
years.
The Military
men grant an
Ayd of three
Marks for
that year.
[2] Append.
n. 179.

[3] App. nd.
n. 180.
Magna Charta
solemnly con-
firmed.

[4] Paris f.
867, n. 10.

[5] Ibid. n.
30, 40.
The Gascoigns
desire assist-
ance from the
King.

[6] Ibid. f.
868, n. 20.
The King pre-
pares for an
Expedition
into Gascony.

[7] Ibid. n. 50.
[8] f. 870.
n. 30.
[9] f. 871. l. 1.
His Success
there.

[1] Ibid. n.
10, 20, 30, 40.
He desires a
League and
Friendship
with Spain.
The King of
Spain quieteth
all claim to
Gascony.

First, or King John; and upon *John Dintels* perswading him into a good Opinion of the King of Spain, he sent for his Queen and Prince Edward to come to him.

[1] f. 87v. n. 30.
The Earl of Leicester offers his Service to King Henry.

In the mean time the Earl of Leicester [2] came with some Troops of his own, and offered his service to the King, which when the Gascoigns understood, and that the King of Spain was reconciled to him, by degrees they returned to due obedience, and the King had some thoughts of Returning.

[3] f. 88r. n. 30.
A. D. 1254.
A Parliament Convened,

On St. Julians day, or the Twenty Seventh of January [3] almost all the Great Men of England were Convened, and there came to that Paylement, (*ad Parliamentum venientes*) on behalf of the King his three Messengers from Gascony, the Earl Marechal, Roger Bigod, and Gilbert de Seglade to declare his desires to the University of England. There were present Richard Earl of Cornwall, and the Queen, with all the Bishops of England, except those with the King. The Message delivered in this Meeting from him was, That he was deceived in the King of Spain, whom instead of a Friend, he had found an Enemy, and therefore required a powerful assistance from them. What was done upon this Message best appears by the Queens and Earl Richards Letter to the King to be found in the [4] *Additaments of Mat. Paris.*

The Kings Message to them.

[4] fol. 189. n. 30.

The Summ of the Queens and Earl Richards Letters to the King.

They wrote they had received his Letters at Christmas before, and that they Summoned the Arch-Bishops, Bishops, Earls and Barons of the Kingdom on the Morrow after St. Hilary, to acquaint them with his Condition, and that the King of Castile was coming against him into Gascony; and because of the shortness of the time, the said great men could not meet at that Day, they called the same together at Westminster fifteen days after that Feast (*i.e.* the 27th of January.) That the Earls and Barons, after they had heard the cause of their coming together, offered to be ready at London three weeks after Easter, to march from thence to Portsmouth, and Ship themselves, to relieve him in Gascony, if the King of Castile invaded that Country; That the Arch-Bishop of Canturbury, the Elect of Winchester, Bishops of London and Worcester promised they would personally come to him with a good strength; That the other Bishops and Abbats promised a large supply in Money. At last Earl Richard signified to him in the same Letter that he would not fail him of a supply answerable to his Necessity and his own Honor, if the King of Castile did Arm against him, and that he would leave the Kingdom in good Hands by advice of the Queen, and bring her and the Prince with him; But they would not [5] believe the King of Castile had any such Design, and so the Council was Dissolved without effect.

[5] Paris Hist. f. 88v. n. 10.

[6] Ibid. f. 88v. lin. 1. & n. 10.
The King reneweth his commands to his Great men.

Fifteen [6] days after Easter the Great Men were called again to London, when the King upon the same Reasons, made the same Demands, and received the same Answer; for then their suspicions that the King of Castile had no Design against King Henry, was confirmed by Simon Montfort Earl of Leicester, who was just come to them from beyond Sea.

Not

Notwithstanding the [7] Queen had received order from the King to the contrary, yet she with her two Sons Edward and Edmund, and her Uncle the Arch-Bishop of Canturbury, Shipped themselves at Portsmouth on the 28th of May, and arrived at Burdeux the last of the same Month.

Not long after their Landing, [8] Prince Edward was sent in great Pomp to Alphonso King of Spain, where when he had Married his Sister Alienor he was Knighted by him: At his Return with his Bride to his Father, he brought with him the King of Spains Rebase or Grant of Gascony (before mentioned,) and King Henry forthwith settled upon him and his Wife, Gascony, Ireland, Wales, Bristol, Stamford, and Wyntham. And from that time the King began to prepare for his Voyage into England, [9] when upon stating the Account, it appeared his Expences, in those Expeditions had been Twenty Seven Hundred Thousand Pounds and more, besides the Lands, Wardships and Rents he had given to Strangers, and besides thirty thousand Marks he had given to, and expended upon his Poitabon half Brothers.

About this time Master Albert returned to Rome, and [1] certified the Pope, That the proposals made to Richard Earl of Cornwall, concerning the Kingdom of Sicily and Apulia, would take Effect. He would not expose himself to uncertain events, requiring of the Pope Security and Pledges for what he should undertake; Money also toward his charge of subduing that Kingdom, and some of his Castles for places of retreat. Upon this Report [2] the Pope sent private Messengers to King Henry, and offered him that Kingdom to the use of his Son Edmund, who very forwardly embraced the seeming favour, and received it with much satisfaction, and to make way for him, Innocent the 4th had accused [2] Conrad Son of Frederic the rightful King, of Heresie, Murder, and other great Crimes. To which accusation he gave a very clear [3] Answer, yet Dyed not long after, to the great Joy of the Pope, who presently subdued almost all Apulia: But both Sicilian and Apulian Nobility, rather than be under his Government, set up [4] Manfred a Natural and Legitimated Son of Frederic, and did Homage, and Swear Allegiance to him.

E King Henry having made Peace with the King of Spain, and settled Gascony, asked leave of the King of France to [5] pass through his Kingdom, which was Granted. The King of England [6] had with him 1000 brave Horse and Noble Riders, besides Sumpter Horses and other Carriages: There was with him his Queen, and her Sister the Countess of Cornwall, and the King of France with his Queen, and her other Sisters, the Countesses of Anjou and Provence; and the Mother of them all, the old Countess of Provence, met them at Chartres. The interview was Glorious, and from thence they were conducted to Paris, where for Eight Days they remained together in great Splendor, and with mighty Entertainments, after which time the King of France brought him one days Journey toward the Sea. [7] When the King of England came to Bologn he found the Wind Cross, so as he was forced to stay there on Christmas day, which was Fryday; on the Sunday following, the Wind came fair, and he Land-

[7] Ibid. f. 88v. n. 30.
The Queen and her two Sons pass over Sea.

[8] f. 89o. n. 20.
Prince Edward married to Alienor the King of Spains Sister.
What Settlement the King made upon Prince Edward his Son.
[9] Ibid. n. 30
The Kings expences in his late Expedition.

[1] f. 89v. n. 30.
Albert acquainteth the Pope on what conditions Earl Richard would accept the Kingdoms of Sicily and Apulia.
The Pope offereth them to Edmund King Henry's Second Son.
[2] f. 89v. n. 30.
[3] Paris Ad. Additament. f. 192 n. 51.
[4] Paris Hist. f. 89v. n. 50. & f. 89v. n. 40.

[5] Ibid. f. 89v. lin. 4.
[6] Ibid. f. 89v. n. 50. & 89v. 900. & c.
A glorious interview between the Kings of England and France.

[7] Ibid. f. 90v. n. 10, 10, 30. & c.
A. D. 1255.
King Henry returneth into England.

ded

ded at Dover, where his Brother Richard Earl of Cornwall met him, with many of the Nobility, the Bishops also, and the Abbats and Priors, all making him great and Rich Presents in Gold and Silver; which went toward the Payment of his Debts which were great.

[8] f. 904. n. 40, 50. All the Nobility of England assembled at London. The King acquainted them with his necessities and Debts. Their Answer. * So says the Mo. k, but neither he nor any of his Brethren, if then demanded, could have given two Instances of the Practice.

[9] Ibid. f. 905, 1. 6. [1] f. 906. n. 10, 20, 30, 40. Cardinal Othobon defeated by Manfred King of Sicily.

[2] Ibid. n. 40.

[3] f. 908. n. 20, 30, 40, 50. & f. 909. n. 10. King Henry goes into Scotland to give remedy to his Daughters' complaints of her hard usage.

Fifteen dayes after Easter, [8] all the Nobility of England, as well Ecclesiastics as Seculars met at London, so as there had not been seen before such a Populous Multitude: *In Quindena Pasche Convenerunt Londini omnes Nobiles Angliæ, tam viri Ecclesiastici quam Seculares, ita quod nunquam tam populosa Multitudo ibi antea visa fuerit congregata*; The King acquainted this great Convention with his Debts, letting them know, without their assistance he could not pay them, and therefore earnestly Requested an Aid sufficient. They were very Querulous, recounting old Grievances, and withal, demanded that the Justiciary, Chancellor and Treasurer might be chosen by the Common Council of the Kingdom, as had been justly and anciently * used (*sicut ab antiquo Consuetum & iustum*.) and likewise that they might not without notorious Faults be removed, but by the Common Consent and Deliberation of the Kingdom, which the King not Granting, [9] They Generally declared to the King, that Business should be deferred until Michaelmas, and the Council was Dissolved.

This Summer [1] Pope Alexander the Fourth, following the steps of his Predecessor Innocent, in prosecuting the Business of Sicily and Apulia, sent Cardinal Othobon with an Army of sixty thousand men to destroy the City of Nocera, and Manfred that was then in it; who upon their approach to it, Marched out with a great Body of men, and utterly Defeated Othobon and the Popes Army: The News of this Defeat put the Pope into great Disorder and Confusion, seeing the Church had promised the Kingdom of Sicily and Apulia to the King of England (who as all the Writers of this time Report paid this Army) for the use of his Son Edmund, [2] to whom the Pope had sent a Ring of Investiture, by the Bishop of Bononia, who was then upon his Journey toward England.

The King having [3] received many Complaints from his Daughter the Queen of Scots, of her hard usage in that Nation, went to Edinburgh to Visit her; and when he came upon the Borders of Scotland, sent before him Richard Earl of Gloucester, and John Banel his Cleric, to see how things were, and to inquire and examine, whether the Complaints she made of Robert Rox and John Bailiol (who had been with others appointed Governors, of the King, Queen, and Kingdom) were true: At first Robert Rox withdrew himself, but afterwards appeared, and with John Bailiol submitted to a Fine for their Miscarriages: And then the King and Queen returned into England.

Peter

Peter Egeblank Bishop of Hereford, and the Queens Uncle [4] observing the King uneasy by reason of his Debts, and for want of Money, had a strange Invention for a supply, with which he acquainted him, and with the Kings leave went to Rome toward the end of Summer to perfect his Design, [5] where he found the Pope likewise in Dumps, for the great Debts he had contracted, (which he said the King of England was obliged to Discharge, under the pain of being disinherited) and the ill posture of the Church affairs. He comforted the Pope, with a way he had to help him; and by the assistance of some [5] Cardinals, by whose advice the Pope pursued the projects of his Predecessor, who could bend him any way, he obtained from him what he pleased. His device was to Forge Obligations from as many Bishops, Abbats, and Priors as he pleased, in the Summ of 500, 600, or 700 Marks or more, [6] to this or that Siena, or Florentine Merchant, or rather Usurer, for Money pretended to be Borrowed of them, which was * expended at Rome, about Transacting the affairs of their particular Churches.

About the Feast of St. Edward, (the 13th of October) the Bishop of Bononia came to the King, and brought the [7] Ring which the Pope sent to his Son Edmund, with which, in a numerous multitude of Great Men, he solemnly Invested him with the Kingdom of Sicily and Apulia, with which (says the Monk) the King was as much pleased, as if he had received the Homages of the Sicilians and Apulians, or had been possessed of their Cities and Castles.

About this time Pope Alexander [8] sent Master Rustand a Galatoin, a Lawyer, and one of his Sub-Deacons into England, giving him and the Arch-Bishop of Canturbury power to gather a [9] Tenth in England, Scotland and Ireland; to the use of the Pope or King indifferently, notwithstanding any former Letters, Inaugencies, form of Words, Cause, or Thing whatsoever. He also gave them power to absolve the King from his Vow of undertaking the Expedition to the Cross to Jerusalem; yet so as he should change it into an Expedition into Apulia against Manfred Enemy to the Church of Rome: and to this he was Sworn by the Bishop of Bononia; and to draw him on, the Pope * gave him all Moneys in England, which were to be collected toward the Maintenance of the Expedition to the Holy Land.

Upon the Feast of St. Luke (or 18th of October) most of the great men of England were at Westminster; [1] amongst whom the King first bespoke his Brother Richard, earnestly pressing him to give him an Aid in Money, to whom the Pope also wrote, supplicating him to lend his Brother forty thousand, either Marks or Pounds, (not said what) that he might shew a pious Example to others. The Earl was neither moved by the Prayers of the King or Pope, and for that especially he had undertaken an expedition into Apulia, being wheaded by the Whispers of the Italians, without his Advice, or the assent of his Baronage. When he accosted others about the same matter; They answered, That then all had not been Summoned according to the Tenor of their great Charter, and therefore they would then [2] make no Answer, or Grant any Aid without their

Peers

[4] f. 910. n. 20, 30, 40. Anul. Burton. f. 348. A. D. 1255. Peter Egeblank Bishop of Hereford his project to supply the Kings wants. Paris ut supra, p. n. 50.

[6] Ibid. f. 11. lin. 1. * Append. n. 181.

[7] Ibid. f. 911. n. 50. Edmund the Kings Son invested with the Kingdom of Sicily and Apulia.

[8] f. 913. n. 20, 30. The Pope sent Rustand a Galatoin into England. [9] Append. n. 182. The Powers granted to him and the Arch-Bishop of Canturbury. * Append. n. 183.

[1] Paris ut supra, n. 40, 50. The King desired his Brother and Great Men either to grant or lend him money, but could prevail with neither.

[2] Ibid. n. 40.

Peers which were absent. The *Parlement* (saith the *Monk*) by many *fictitious Delays*, (*fictis occasionibus*) was continued a Month, while the *great men* had emptied their Purses at *London*, who then returned home, having done nothing.

A. D. 1256.
[3] *Annal.*
Burton. f. 372.

On the fifth Sunday in *Lent*, the *Arch-Bishop* of *Wellina*, before the *Prelates*, *Clergy*, and *Laity*, [3] Convened in a great Multitude, in the Chapter House at *Westminster*, propounded to them the Business of *Sicily*, for which he was sent hither by the *Pope*, and endeavoured by his Letters, and own persuasions, to induce them to undertake the prosecution of it with the *King*; after some Days Deliberation, the *Clergy* and *Laity* drew up their Reasons against it, and delivered them to the *King* and *Arch-Bishop* in *French* and *Latin*.

The Reasons of the Great Men against the King, *Rationes* (4) *Magnum contra Regem*.

[4] *Ibid.*
Reasons of the
Great men
against the
Kings under-
taking an ex-
pedition into
Sicily.

First, the Distance of that *Kingdom* from *England*.

Also the passage through the Territories of *Potent men* that were Enemies to the *King*.

Also the possession of and other places by the *Enemy*, which were passes to other parts of the *Kingdom*.

Also the Confirmation of a Prince in the *Kingdom*.

Also his Confederation and Amity with the *Natives* and *Neighbours*.

Also the possession of almost all the *Cities*, *Castles*, and *Fortresses* against him.

Also the great Revenue of the *Kingdom*.

Also the great Charge the *King* had then been at, and had received no advantage, but rather loss.

Also the vast and necessary expenses yet to come for the payment of his Debts, the Voyage thither, and the obtaining of the *Kingdom*, for which all *England* sufficed not.

Also the Destruction and Impoverishing of the *Kingdom* of *England*, by many and frequent *Iters* or *Circuits* of *Justices*, and by *Extorsions*, and many sorts of *prises*, and other oppressions.

Also the small stock of Money the *King* and his Son were furnished with for this Attempt, the Poverty of the *Inhabitants* of *England*, both *Clergy* and *Laity*.

Also the Troubles of *Gascony*, *Ireland* and *Scotland*.

Also the Incurfions of the *Welch*.

Also the Diminution of the power of the *Kingdom* of *England*, in Counsel, Money, and Men, which was like to happen by *Richard Earl of Cornwall's* leaving of it.

Also the *King* of *France*, and the *Great men* of Neighbour Nations, especially such as heretofore had Lands in *England*, would be encouraged to attempt upon it, if for the Design of *Sicily*, it was emptied of Men, Arms, Counsel and Money.

Also we will not, nor do we agree, That the *King* take upon him the Burthen of this Expedition, lest it may seem he delivered himself into the Hands of his Enemies by our consent. Neither can, or will we undertake the Burthen of the said Affair with the *King*, for

for the Reasons aforesaid, and for the great Hazard, and vast expenses, which we can never hope to bear or overcome.

Also for the difficult and grievous conditions imposed upon the *King*, upon his acceptance, and first undertaking of this Business, by reason whereof, after infinite Charge and Labor, he may easily be laid aside, or * fall from the right of that *Kingdom*.

* As holding
it in Feud of
the Church.

The Kings (5) Demands.

Whereas the *King* by the *Common Advice* of the whole *English Church* upon the Grant of the *Kingdom* of *Sicily* to his Son *Edmund*, had obliged himself to the *Pope*, to pay all past and future Charges of acquiring that *Kingdom*, he desired that the whole *Clergy* and *Laity* (*universus Clerus & populus in totum, &c.*) would become obliged for the whole, or at least for the interest or penalties for the whole, to which he had bound himself.

[5] *Annal.*
Burton. f. 374.

The Kings de-
mands for that
Expedition.

Also he Demanded of the *Clergy*, That the *Tenths* of all their *Benefices* might be continued for five years, according to the new *Taxations*, (which was according to the true [6] extended value) only necessary expenses deducted.

[6] *Append.*
n. 184.

Also he demanded the first years profits of all *Benefices* that should become void for five years.

Also he required half the profits of the *Benefices* of *Non-Residents*.

Also he asked the profits of all the *Benefices* of privileged persons (such as had *Sine Cures*, or had *Dispensations* to hold *Living*s without performing service) except one which the privileged person might choose.

Also he desired all *incertain Legacies*, such as were indistinctly given without naming any particular Charity, and left to be disposed of, according to the *Discretion* of the *Priest*, *Confessor*, or *Ordinary*.

Reasons of the Bishops and Clergy against the Kings Demands.

First [7] the *Kings Demands* cannot take effect, because so great a Sum of Money hath been already unprofitably spent, and utterly lost.

[7] *Annal.*
Burton. f.
The Bishops
Answers to
the Kings De-
mands.

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Also

Also we were not required to contribute to the payment of that Money from the Beginning, nor are we any ways bound; nor did the King contract or make this Bargain with the Pope, by our Consent either *Tacit* or *Express*, yea we knew nothing of it, and therefore we neither will nor ought to be urged to the Consummation of this Business.

Also when we have nothing but the *Patrimony of Christ*, whose Stewards we are, That which by the *Divine Law* we are bound to give to the Poor, we cannot give to Kings, unless we may mock God, and convert Ecclesiastic Goods into prohibited uses, which for no reason we will or ought to do.

Also the whole Kingdom sufficeth not for such a Burthen, although Gold might be made of Dirt, (*etiamsi de Luto fabricaretur Aurum*) especially since the Kingdom of *Britany* is inexpugnable, and inaccessible to our Army; and although we might have stipendiary and hired Soldiers of that Nation, yet their *Faith* might justly be suspected.

Also if the *English Militia* should be conducted to those parts, with so much Money as was necessary for them, we might fear the neighbour Kingdoms would invade ours, and so both Kingdoms might be lost; that in possession; and that which is desired: Especially when as the King of *Romans* that is to be (*Rex Romanorum futurus*) will carry a good part of our *Militia* with him.

Also we see the Inroads of the *Welch*, and 'tis most necessary to defend our own Kingdom, rather than to look to obtain another.

Also 'tis said there is a Composition between the Church and *Manfred*, concerning the Kingdom of *Sicily*, and all that belongs to it, as Public fame relateth and Witnesseth.

Yet notwithstanding these Reasons, the Clergy being Canonically admonished by *Russland*, they submitted, and firmly [8] promised to obey the *Popes* Commands, which was to do what the King desired, That he might be furnished with Money to pay him what he demanded, as expended in the Reduction of *Sicily* and *Apulia*.

The Debt the Pope claimed of the King, besides what Money he had received of him, was 135000 Marks principal, and 540 for Interest, to be paid before *Michaelmas* then next coming, before which time also the King was either to come in person, or send a General with Competent Forces; and the whole Contract, Bargain and Concession were void, nor was he to come or send thither after that time; and yet nevertheless the King was to be, and remain *Excommunicated*, and his whole Kingdom put under *Ecclesiastic Interdict*. The fear of the Execution of which Sentences, had such effect upon the King, as he prayed further time of the Pope for performance of the Contract; And notwithstanding these Discouragements, and the Hard Conditions imposed upon him, he resolved to prosecute this unfortunate undertaking, against the sense of his Council and Nobility: All which matter of Fact is very evident from his [9] Letters to the Pope and some of the Cardinals.

Accord-

[8] Append. n. 186. They at length submit to the Kings desires. The Pope claims a great Debt of the King. Hard conditions put upon the King by the Pope.

[9] Append. n. 185, 186.

According to the Bishop of *Hereford*s Contrivance of binding Abbies, Monasteries, Prelates, and Churches to Foreign Merchants before mentioned; The [1] Abbat and Convent of St. Albans on Palm-Sunday received Letters from the Pope, to let them know That they were to pay 500 Marks to certain Merchants to whom they were bound in that Summ, within a Moneth, otherwise they were to understand that after that time they were suspended. This was inserted in the Tenor of the Letters, whereas they did not know they were bound to any man; And after the same manner it was with other Monasteries, that were also thrust under the Yoke of Merchant-Usurers; And that the *Exactors* might more effectually extort the Money, they said it was for the Kings use, who was preparing for his Voyage of *Peregrination* or *Pilgrimage*, as then they called all Military Expeditions to the Holy-Land.

Fifteen days after *Easter*, [2] the Bishops in great perplexity met at London to Answer Master *Russland* upon his and the Kings Demands, who at first by reason of their disagreement, were about to Break up and Depart; but being incouraged by the Barons, they denied *Russland*, and would not contribute anything to the King from their Barons.

The Abbat of *Westminster*, and Master *Russland* with the Blesst of *Salisbury*, [3] passed beyond Sea upon the Kings private affairs in the beginning of June; and the Bishops of [4] Bath and *Rocheſter* went afterwards for the composing and extirpating secular Discords and Dissensions.

In August the [5] King and Queen of Scots came into England, and gave their Parents a Visit at *Woodstock*, from thence they came to London with a mighty Train, so as both Courts were constrained to take two different Roads, the whole Country being over-spread with the great appearance of Nobility, Gentry, and their Retinues. On the 15th of the same Month when they came to London, their reception was as great as their Retinue, and Expectation, by all Demonstrations of welcome in that City and *Westminster*.

The [6] Prior and Convent of *Durham*, and the Prior and Convent of *Gisburn*, stood out against the Knaveish Obligation, and *Popes* Suspension, and would not bow their Knees to *Baal*. (*Sicet omnes fere aliigenus Baal incurvarunt*) But at last having none to assist them, they submitted to the persecution of the Roman Court, and Merchant Usurers.

This year on the 9th of October [7] the King came to the Exchequer while the Barons were sitting, and with his own mouth pronounced that every Sheriff that did not appear eight days after *Michaelmas*, and brought his Money, as well Farm-Rent, as Mercantments, and other Debts, should be amerced the first day five Marks, the second day ten Marks, the third day fifteen Marks, and the fourth day he was to be grievously Fined if absen. (& quarta Redimendus si absens fuerit.) And the King pronounced the same thing against Cities that had Liberties, and answered at the Chequer by their

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[1] Mat. Par. f. 244. l. 6. A. D. 1256. The Bishop of Hereford projected put in execution by the Pope.

[2] Ibid. n. 10. See before the Bishops resolution. See Append. n. 184.

[3] Mat. Par. f. 246. n. 30. & Cl. 40. f. 3. B. 9. m. 1. [4] Ibid.

[5] f. 930. n. 40. 40. The King and Queen of Scots come into England to visit their Parents.

[6] f. 934. n. 10. 10. The Priors and Convents of Durham and Gisburn opposed the Pops exaction.

[7] f. 935. n. 10. 10. Sheriffs of Counties Cited by the King to pay their Rents into the Exchequer.

And also Payment of Cites.

At that had
ten pounds by
the year for-
ced to be
Knighted,

[8] f. 93 b. l. 1.
Henry de Veng-
ham recom-
mended by the
King to be
Bishop of
Ely.
The Convent
refuse him,
and choose
Hugh Balesham.

[9] Ibid. n. 10.
The Church
of St. Albans
interdicted.

[1] Ibid. f.
237. l. 4.
The Welsh
take Arms and
invade the
English bor-
ders.

[2] Ibid. n. 40.
The Kings
kindness to
his Brothers.

[3] n. 40. fo.
Several ways
made use of
by the King to
raise money.

own Bayliffs: So as the fourth day they were to lose their Liberties, if they appeared not as the *Sheriffs* were bound to appear. And all the *Sheriffs* of England were *Amerced* each *five Marks*, because they did not Distrein every one that had ten pounds a year in their sever- al Counties, to come to the King and be *Knighted*; but they ob- tained Respite of the King according to his *Writ* to them Di- rected.

The *Bishop* of *Ely* being Dead, [8] the King by his Letters re- commended *Henry de Vengham* the Keeper of his Seal, to the *Electi- on* of that *Convent*, and sent special Messengers to that purpose. The *Convent* complied not with the Kings Request; but chose *Hugh de Balesham* their *Prior*, *Bishop*. The King would not accept him, and caused *John Walteran*, to whom he had committed the *Custody* of the *Bishoprick*, to cut down the Woods; and sell the Stock upon their Lands.

The *Exactors* or *Usurers* being [9] *severe* upon the *Church* of *St. Albans*, about the Feast of *Simon and Jude*; (the 28th of *October*) it was under *Interdict* fifteen days; not that it wanted great pri- vileges, but that the Detestable Addition of (*non obstante*) annulled the pious Concessions and Authority of all the *Holy Fathers*: There- fore the *Convent* rather chose to comply with an unjust and violent Sentence, than be Guilty of Contempt.

The [1] *Welch* having been injuriously used, and the Govern- ment of their Country sold to such as would give most for it; and at length oppressed above measure, by *Geoffrey de Langley Knight*, the Kings *Exactor* and *Affessor* of Taxes, about the Feast of All *Saints* took Arms for the Defence of their Country and Laws, and invaded the *English Borders* or *Marches*, and destroyed the Tenents of *Prince Edward*, whom as yet they had not acknowledged to be their Lord. He borrowed 4000 Marks of his Uncle *Richard*, that he might raise such a Force as to repress their Incursions, and enter their Country to make Reprisals, but the whole Winter was so wet and Stormy, and the places whether the *Welch* had retired so boggy and impassible, that the *English* could not attempt them, so that this Expedition proved ineffectual, and the Princes Expences in vain.

About this Time [2] the King commanded the *Chancellor* that he should not Issue any *Writs* which might be prejudicial to his Brother *Richard*, or to *Richard Earl of Gloucester*, *Peter* of *Sabon*, or any other of his Brothers, which, says the Monk, was manifestly contra- ry to the Law and Peace of the Kingdom. *Quod manifeste patet ex omni juri & paci Regni contradictorium.*

The [3] King at the same time being necessitated for Money, forced such as he thought fit, to be made *Knights*, or fine to be excu- sed; he also caused all such as neglected their Suits to Courts, to be severely *Amerced*, and Taxed all Lands that held in *Serjeanty*. He also caused Inquiry to be made into *Liquid Measures* of Wine and Ale, and dry measures of Grain, as *Gallons* and *Bushels*, and also into *Weights*, and grievously punished those whose Measures and

Weights

Weights answered not the Standard; by which means he raised much Money, but lessened the Affections both of *Clergy* and *Laity* towards him.

Yet this course could not preserve him from extream poverty, for he had [4] borrowed so much Money of the *Popes Merchant-Us- uers*, for the promotion of his Son *Edmund* to the Kingdom of *Si- cily*, That the Interest and Penalties for non-payment of it, amount- ed to an hundred pounds a day.

At *Christmas* [5] in the year 1257. The King was at *London*, where came to him several of the *Great Men* of *Germany*, who Declared, That *Richard Earl of Cornwall* was rightfully chosen, by unanimous Consent, King of *Almain*, or of the *Romans*.

Fifteen days [6] after *Easter*, the King held a *Parlement* at *West- minster*, to Treat of the * *Business* of *Apulia*, in which the *Arch- Bishop* of *Desina* was present, and then and there the King recei- ved the same Answer from the *Clergy* and *Laity*, he had the year before.

From this *Parlement* *Earl Richard* went towards *Germany*. He was at [7] *Barinouth*, and took Ship there, with all his Retinue, on the Sunday after *St. Mark*; and upon Tuesday following, being the first of May, he landed at *Dors*, from whence on Ascension-day, he came to *Aken*, and on the same day was Crowned King, and his Countess *Queen*, of the *Romans*, with great splendor, in the presence of the *Arch-Bishops* of *Colen*, *Wente*, and many *Earls*, *Barons*, and *Noblemen*, and was placed in the Seat of *Charles the Great*, with the usual Solemnity.

It is reported by [8] *Mat. Paris*, That this King and *Earls* Treas- ure was so great, that he could spend an hundred Marks every day for Ten years together, not accounting the Revenues he recei- ved from *England* and *Germany*.

The *Welch* [9] this year plundered and burnt the *English* bor- ders, and killed the Inhabitants, notwithstanding the assistance of the *Earl* of *Glocester*, and remained triumphant in those parts. [1] About the Feast of *St. Mary Magdalene*, or 22 of July, the King march- ed into *Wales*, with his whole *Military Service*, which he had sum- moned by his *Writ*, to repress their incursions; who having notice of his coming, fled to the Mountains, and inaccessible places, car- rying with them their Wives and Children, and driving their Cattle thither, they Plowed up their Meadows, destroyed their Mills, brake down their Bridges, and digged great and deep pits in their Fords, to make them unpassable; and at length confederating with those of [2] *South-Wales*, by the treachery of *Griffin de Buyn* (who was a *Welchman* that served the King) made an Assault upon part of the Kings Army, and Baffled it.

The

[4] Ibid. f. 93 b. l. 1. &c. The Kings great Debts.

A. D. 1257.
[5] Ibid. f. 939. n. 40. Earl Richard elected King of the Romans.

[6] Annal. Burton. f. 376. * The same with that of Sicily.

[7] Ibid. & f. 377. He goeth to Germany, and is Crowned King at Aken.

[8] f. 941. n. 10. The Great Riches and Treasure of Richard King of the Romans.

[9] Ibid. f. 949. n. 50. The Welch ravage and destroy the English Borders.

[1] Ibid. f. 951. n. 50. The King raiseth all his Military Service to repress them.

[2] Ibid. f. 953. n. 49. Part of the Army baffled.

The King, with the residue of his *Military Men*, making a great Army, marched towards [3] *Chester*, and burnt all the Corn in the borders thereabouts. The *Welch* offer to submit, so as they might enjoy their *Laws* and *ancient Liberties*, and not be subject to *Prince Edward*, or any but the *King* himself, who refused the Terms; and towards [4] Winter made a shameful Retreat into *England*, having spent much Treasure, and done nothing.

[3] Ibid. f. 914. n. 30. 40. The Welch offer to submit upon Terms, but are refused.
[4] Ibid. f. 915. n. 40.

[5] Ibid. f. 916. lin. 1. The Elects of Ely and St. Edmunds-Bury return from Rome.

About [5] *Michaelmas* this year, the *Elects* of *Ely* and *St. Edmunds-Bury* returned from *Rome*, where they had spent, given, and promised vast sums of Money for obtaining their *Rights*, by which the Historian (I suppose) means their Confirmations. *Electus Eliensis & Electus Ecclesie Sancti Edmundi, Tantam pecuniam in Curia Romana dando & promittendo effuderunt pro jure suo obtinendo, ut in considerando Theauri Quantitatem, poterunt prudentes admirari, & cum admiratione stuporem excitare.* And then it was that a new Law was made at *Rome*, That every *Elect*, whether *Bishop*, *Abbat*, or *Prior* should comethither and compound for this Confirmation. *Ecce [6] Statutum Roma cruentissimum quo oportet Quemlibet Electum personaliter transalpinae, & in suam lesionem, imo Everfionem, Romanorum loculos impregnare.*

[6] Ibid. l. 6.

[7] Ibid. f. 918. n. 10.

Soon after [7] that time the *Bishop* of *Worcester*, the *Elect* of *Winchester*, the *Abbat* of *Westminster*, the *Earl* of *Leicester*, *Earl Hugh Wigod*, the *Mareschal Peter* of *Saboy*, and *Robert Waleran*, were sent to the *King* of *France* to demand the Restitution of *King Henry's Rights* in *Normandy*, and the other parts of *France*, but returned without success.

King Henry's Rights in Normandy and France demanded.

A. D. 1258.
[8] Mai. Par. f. 959. lin. 5. The Bishop of Ely, and Abbat of Bury Confirmed by the Pope.

In the year 1258. and Forty second of *Henry III.* he kept a magnificent *Christmas* at [8] *London*: and about that time, notwithstanding all the Interest the *King* and *Arch-Bishop* could make at *Rome*, The *Bishop* of *Ely*, and *Abbat* of *Saint Edmunds-Bury* returned from thence Confirmed. So as (saith the Monk) the *King* using ill advice every day, lost somewhat of his Royal Dignity, and studied how to damnify the Church.

[9] Ibid. n. 30.

The [9] *Noblemen* sent by the *King* to the *King* of *France*, to Demand *Normandy* and his other *Rights* in that Kingdom, were civilly received by himself; but his *Brothers* and other *Great Men* much opposed them, so as they returned as they went, on the 6th of *January*, or *Twelfth-day*.

[1] Ibid. n. 10. The Welch destroy some of Prince Edwards Towns.

About this time, [1] the *Welsh* despairing of Peace, and distrustful the *Kings* Mercy, seized some good Towns of *Prince Edwards*, and other *Great Men* in the borders of *Wales*, and plundered them, and afterwards burnt them, and killed all the People.

[2] f. 960. n. 30. The Pope is angry with the King for his Excesses.

It was about this [2] time also, that the *Pope* was in great passion with the *King*, because he observed not his repeated Promises, when he had bound himself (saith the Monk) under pain of losing his Kingdom to correct his Excesses: and at the instance of *Lawrence Bishop* of *Rocheester*, and many others, He propounded after many

many fruitless Admonitions to *Excommunicate* him, *Interdict* his Kingdom, and proceed further as he should see cause. The *King* in great Confusion sent him *Five thousand Marks* to bring him into temper, and put off the Sentence for a time, with which, and the *Kings* earnest Petitions he was satisfied.

He threatens to proceed to Ecclesiastic Censures, but is appeased.

In *Mid-lent* [3] *Master Bussand* returned from *Rome*, Deprived of his former Authority, having been accused by some of his *Rivals*, That he was too *Rapacious*, and had (laying aside the fear of God) gained many great Rents and Estates. And that he might obtain the *Kings* favour in acquiring of them, he affirmed he was born at *Burdeaux*, and promised, as the *Kings* Liege and *Natural Subject*, effectually to procure the Dominion of the *Kingdom* of *Apulia*, and transact other Business for him at the Court of *Rome*, and other where; with such flattering Promises he circumvented the easy *King* (Regis simplicitatem circumveniens), so as he was endowed with great Revenues; yet was sent for to *Rome*, and severely chidden by the *Pope*, being hardly restored to his former Favour; however, he was removed from the Dignity and Power he had enjoyed.

[3] Ibid. n. 40. Bussand accused and removed from his Dignity and power.

Soon after, or before his departure in the week before *Easter*, *Master* [4] *Wetlot*, or *Wetlot*, the *Popes* *Notary*, and special Clerc, came with great pomp into *England*, furnished with great power, who though he was not stiled a *Legat*, yet wanted not his greatness.

[4] Ibid. n. 50. Heriot the Papes Notary, comes into England with great power.

On the 14th of *March*, *King Henry* [5] Summoned all that ought him *Service*, both *Clergy* and *Laity*, to meet him at *Chester* eight days before *Midsummer*, to march into *Wales* against *Llewellyn* the Son of *Giffin*, and his *Accomplices*, who had seized on, and wasted many of his Lands, and the Lands of his Son *Edward*, and other his *Liege Subjects*, against the *Homage* and *Faith* they had sworn to him.

[5] Cl. 42. Hen. 3. M. 11. Dof.

The *Welch* made these incursions at this time upon [6] Confidence the *King* would be diverted by the *Scots*: For whereas, that *King* upon Marriage with *King Henry's* Daughter, had put himself and Kingdom [7] under his Protection and Government, until he should be of lawful age; Some of his Rebels took him from the *Counsellors* and *Curators* *King Henry* had set over him, and detained him against his Will: For repressing of this Insolency and Rebellion, the *King* issued out [8] Summons on the 17th of *January* before, to all his *Military Tenents* of the *North*, especially those of *Yorkshire*, *Cumberland*, and *Northumberland*, to march with Horses and Arms, and all their Force into *Scotland*, with such as he should send to them.

All that ought the King Service, summoned to meet at Chester to repress the Welch.

[6] Par. f. 963. n. 30. What moved the Welch to Rebel at this time.

[7] Cl. 41. Hen. 3. M. 11. Dof.
[8] Ibid. & M. 10.

After [9] *Hoke Tuesday* (That is *Tuesday* fortnight after *Easter-Tuesday*) a *Parlement* was convened at *London*, *Post diem Martis, quæ vulgariter Hoke-Die appellatur, factum est Parliamentum Londini*, wherein the *King* pressed with the Affairs of the Kingdom of *Apulia*, (concerning which, *Master Heriot* was sent to urge him to a direct and positive Answer) Demanded a very great Sum of Money,

[9] Paris us supra n. 40. A Parliament called at London. The Kings demands rejected by the Great men.

[1] Ibid. f. 965. n. 30.

[2] Ibid. f. 968. n. 10, 20. The Barons' complaints against the King.

Montfort appeals to the University, and upbraids the King.

[3] Ibid. n. 20. The Parliament Adjourned to Oxford.

[4] Append. n. 188. The Barons Proposals to the King. * The same with that of April 14. The King yieldeth to them.

[5] Append. n. 189. What the King Granted to the Barons.

Money which the Pope had upon his Request obliged himself to pay to the Merchants. The Great [1] Men stily denied to assist him with Money.

And in this [2] *Parlement* there arose great Heats and Contentions between the King and Barons, who made great complaints against him, That he slighted the Keys and Power of the Church, and did not observe the Tenor of his Great Charter; That he had raised to *Dignities* and *Riches* his half Brothers, against Law and Right, as if they had been the *Natural People* of the Land, and would not suffer any Writ to issue out of *Chancery* against them; That although the pride of his Brothers and other *Positivins* were intolerable, yet William de Valentia exceeded them all. Simon Montfort Earl of Leicester making his advantage upon these Debates and Wranglings, complained very heartily not to the King but to the University, calling for Justice; And up-braided the King that he promoted and enriched Strangers, and despised and wasted his own People, to the Subversion of the whole Kingdom, by which means he became unable to Repell the injuries of the inconsiderable *Wellsb*.

These Heats and Wranglings [3] continued until the Sunday after (A) *Ascension-day*, when the *Parlement* was adjourned unto St. Barnaby's-day, to be holden at Oxford; but before the Adjournment upon *Ascension-day*, or Second of May, the Barons promised [4] That if he would reform the state of the Kingdom, according to their Advice, and that the Pope would make the conditions about the affair of Sicily * more easy, so as it might be prosecuted with effect, They would then endeavour to procure him a Common Aid, or Tax for that purpose. And the King agreed, That before *Christmas* next coming, the State of the Kingdom should be ordered by them and the Popes Legate, if in England. And for the performance of what should be ordained, he put himself under the Popes Power, so as he might compell him to it which way he pleased by Ecclesiastic Censure, and caused his Son Edward to Swear, That he would observe and keep what he had Granted.

Moreover, he [5] Granted at the same time to the Barons, That the State of the Kingdom should be rectified and reformed, by Twelve faithful persons of his Council then chosen, and Twelve others to be chosen by the Barons, who should meet at Oxford a Month after *Whitsunday* next coming, as they should think fit, to the Honour of God, and Profit of the Kingdom. And promised inviolably to observe whatsoever should be ordained by them, 24, or the greatest part of them, under such Security as they should Direct; and caused his Son Edward to Swear, he would inviolably observe the same things; whereupon the Earls and Barons promised to endeavour, that the Community of the Kingdom should Grant a Tax to him.

(a) This year 1158, and 42 of Hen. III. Easter-Day was March 24, and Hock-Tuesday was April 10. Ascension-Day was May 2. Whitsun-Tuesday May 14. So that St. Barnaby's Day, or 11th of June was just Twenty eight days after that, upon which the Parliament was to meet at Oxford by Adjournment.

These

These Twenty Four had [6] power to choose four that were to choose the Kings Council, which was to redress and amend all matters appertaining to the King and his Kingdom, and this Council or the greater part of it was to choose one or more in the place of such as should make Default, &c.

A Barnaby Day approaching, [7] the Great Men and Nobles of the Land hastened to the *Parlement* then to be holden at Oxford, and commanded all such as ought them Military Service to accompany them, so prepared, as if they were to defend their Bodies from the attempts of their Enemies; And they did so, (*Quod & fecerunt*) palliating their coming thus armed, under pretence of going against the Kings Enemies the *Wellsb*. But fearing, as they pretended an intestine War, and that the King and his Brothers the *Positivins* should bring in Foreign Troops against them, and therefore they caused the [8] Ports to be strictly Guarded. The chief Transactions of this *Parlement* were these following, First the Election of the 24 according to the Kings Grant, who were to amend and reform what they should think amiss in the Kingdom.

The twelve [9] chosen by the King were

The twelve chosen by the Earls and Barons were

The Bishop of London.

The Bishop of Worcester.

The Elect of Winchester.

Simon Earl of Leicester.

Henry Son to the King of Almain.

Richard Earl of Gloucester.

John Barlof Warren.

Humphrid Earl of Hereford.

Guido de Lusignan the Kings half-Brother.

Roger Earl of Norfolk and Marshal.

William de Valentia the Kings half-Brother.

Roger Mortimer.

John Earl of Warwic.

John Fitz-Josfry.

John Mansel.

Hugh Bigod Brother to the Marshal.

Frier J. de Derlington.

Richard de Gray.

The Abbat of Westminster.

William Bardolf.

Henry de Wingham Dean of St. Martins London.

Peter Montfort.

The Twelfth not mentioned, whether not the Arch-Bishop of Canturbury, Peter of Savoy, or James Audley.

Hugh Despenser.

These Twenty Four [1] chose Four of their own Number, who named the Kings Council, and were these,

The Earl of Warwic.
John Mansel.

Earl Roger the Marshal,
Hugh Bigod his Brother.

[6] Append. n. 190.

[7] Paris f. 970. n. 40, 50. The Great men come Armed and Guarded to the Parliament at Oxford.

[8] Ibid. f. 971. n. 10.

[9] Annal. Burton. f. 412.

[1] Ibid. f. 414.

L III

These

These *Four* named the *Kings* [2] *Council*, in Number Fifteen, who were these,

The Arch-Bishop of Canturbury. The Earl of Hereford.
The Bishop of Worcester. John Mansel.
The Earl of Leicester. John Fitz-Geofry.
The Earl of Gloucester. Peter Montfort.
Earl Marechal Comes Marechallus. Richard de Gray.
Peter of Savoy Earl of Richmond. Roger Mortimer.
The Earl of Albemarle. James de Aldithlege or Audley.
The Earl of Warwic.

The Great men or Twenty Four [3] Require the *Kings* Confirmation of the *Charter* Granted by King John his Father.

Secondly, They [4] Require such a *Justiciary*, as would do *Justice* to such as suffered wrong as well to the poor as Rich.

Thirdly, That they should [5] choose the *Justices*, *Chancellors*, *Treasurers*, and other *Officers* and *Ministers* from year to year for ever.

Fourthly, That [6] they themselves or friends should have the *Custody* of the *Kings* Castles.

Fifthly, By [7] *Edict* they made it *Capital* for any of what degree or order forever to Refuse to Consent to these things, and against such the Arch-Bishops and Bishops also pronounced *Excommunication*.

The *Twenty Four* ordained there should be three *Parlements* in a year, and when and how they should be holden, which order I find drawn up in these words,

¶ [8] *Set a remembrance* de les xxiij unt ordene de treies *Parlemens* seint par an, le premier en as utaves de Seint Michel; le second le Demain de la Chandelur, le terz le premier Joz de June, Ceo est a Saver treis semaines devant le Seint John. A ces treis *Parlemens* vendrunt les *Counseillers* le Rei esluz tut ne seient il parz *Bandez* purber le *Estat* del *Reaume*, a pur treier les *communs* *Boisnoignes* del *Reaume*, quant *Bester* *Serra* per le *Bandement* le Rei. That is,

Be it Remembred, That the *Twenty Four* have ordained there may or shall be three *Parlements* in a year; The first on the *Octaves* or eight days after St. *Michael*; The second on the *Morrow* after *Candlemas* day; The third on the first day of *June*, that is to wit, three Weeks before St. *John*. To these three *Parlements* shall come all the *chosen* *Counsellors* of the *King*, though they be not * sent to, to *chosen* *Counsellors* of the *King*, and to Treat of the *common* *Business* provide for the *State* of the *Realm*, and to Treat of the *common* *Business* of the *Realm*, when need shall be, by the command of the *King*, or by his *Summons*.

The

The *Commons* then, or *Community*, chose twelve persons to Represent them in these *Parlements*, &c. to save the Charges of the *Community*. The Entry or Record (as I may so call it) of which Elections was in these words.

¶ *Set a* [9] remembrez de le Commun *Essele* xii prodes homes de bendunt as *Parlemens* & autre * *sez* Quant *Bester* *Serra*, Quant Rei u sun *Cunseil* les *Bandera* pur treier de *Boisnoignes* le Rei & del *Reaume*. Et de le Commun tendra pur *Estable* * cet de ces xii frunt. Et ceo terra set pur *Epanier* le *Cust* del Commun, That is,

Be it remembred, That the *Commons* or *Community* have chosen twelve wise men, to come to *Parlements*, and at other times, when there shall be need, when the *King* or his *Council* shall command or send to them, to treat of the *Business* of the *King* and *Realm*, and that the *Commons* or *Community* will hold for established, what the twelve shall do, and this shall be done to spare the cost or charges of the *Commons* or *Community*, which twelve prodes homes, probi homines, or bisi prudentes, which the Reader pleaseeth, were these underwritten, and entred according to this Form,

Ces sunt les [1] Duzelle sunt Esu par les *Barons* a treier a treis *Parlemens* per an, obte le *Cunseil* le Rei pur tut le Commun de la tere de Commun *Boisnoie*, That is,

These are the twelve which are chosen by the *Barons*, to treat in the three * *Parlements* in a year, with the *Kings* *Council*, for all the *Commons*, or whole *Community* of the *Land*, upon *Commune* *Business*, which twelve here do follow, as in the [2] *Annals* of the *Magnastrie* of *Burton*.

The Bishop of London.
The Earl of Winchester.
The Earl of Hereford.
Philip Basset.
John de Bailol.
John de Verdun.

John de Gray.
Roger de Sumery.
Roger de Montali.
Hugh D'espenser.
Thomas de Grestey.
Egidius de Argenten.

These were all *Barons* and great *Tenents* in *Capite*, not one *Commoner*, as now reputed, amongst them.

Many other provisions and ordinances were made in this *Parlement*, about *Feudal* *Tenures*, about *Custody* of *Wards*, *Marriages* and *Excheates*, about *Suits* to the *Kings* *Courts* before *Justices* *Itinerant*, *County* *Courts*, *Hundred* *Courts*, *Sheriffs* *Turns*, *Writs* of *Right*, *Wast* of *Estates* in *Custody*, *Taking* of *Distresses*, &c. all in abatement of the *Rigor* of the *Feudal* *Law*, and for their own *Ease* and *Benefit*, which are to be found in the *Annals* last cited, f. 428. and most of them in the Close Roll 44. Hen. 3. M. 17. Dors. and in the Patent Roll 47. of the same King M. 14. in *Schedula* Dors.

The *Community* those twelve to represent them in the *Parlements*.

[9] Ibid. f. 416 for foli.

* Instead of ce que

[1] Ibid. f. 414.

* Note, these twelve and the *Kings* *Council*, were only to be present in these *Parlements*, [2] Ibid. Who the Twelve were.

Not one *Commoner* among the Twelve.

What other Ordinances and provisions were made in this *Parlement*.

All these provisions and Ordinances made in eleven days, [3] n. 191, 192, 193.

Twenty four chosen to treat of an Aid for the King. [6] f. 414.

All this was done, and Commissions for the Governors of the Kings Castles were issued in eleven days time, as appears by the the Records in the [3] Appendix that bear Date June 22d, and are worth noting.

There were also appointed at this meeting by the Community Twenty four persons to treat of an Aid for the King, which choice is thus to be found in the same [6] Annals, save only the Names of the 24 are rendered in English.

Ces sunt les vint & quatre, Re sunt mis per le Commun a Treter de Aid de Rei.

The Bishop of Worcester.

The Bishop of London.

The Bishop of Salisbury.

The Earl of Leicester.

The Earl of Gloucester.

The Earl Marechal.

Peter of Savoy.

The Earl of Hereford.

The Earl of Albemarle.

The Earl of Winchester.

The Earl of Oxford.

John Fitz-Geoffry.

John de Gray.

John de Bailol.

Roger Mortimer.

Roger de Montalt.

Roger de Sumery.

Peter Montfort.

Thomas de Greley.

Fulco de Kerdiston.

Agidius de Argenton.

John Kyriel.

Philip Bassor.

Agidius de Erdington.

All Barons or Knights and great Tenents in Capite, not one such Commoner, as in these times amongst them.

But instead of Granting or providing an Aid for the King, when their own Turn was served, The Barons [7] Quarrelled with him about his four half Brothers, Ademar or Athelmar Elest of Wincheber, Guy de Lezignan, Geoffry de Lezignan, and William de Grentemont, his Son Edward, John Earl of Warren, and Henry his Nephew, Son to the King of Almain, who Boggled at, and Refused at that time to Swear and give their Consent to the provisions, and fell into great Heats against the Poictovins and other Strangers; Insomuch as they forced the Kings Brothers from Oxford, who (as Mat. Westminster [8] says) in the beginning Resisted the Rebellious Faction. The Barons no sooner heard of their Flight, but they chose Hugh Bigod their Justiciary, and Summoned all their Followers to attend them, and with Horse and Arms to pursue them, which was done so Swiftly, and by such numbers, as the Parlement was thereby dispersed and broken up, and never left pursuing and menacing of them, until they quitted the Kingdom, who for their security in their passage beyond Sea, obtained the Kings [9] safe Conduct, (which bears Date July 5th) and had Humphrey de Bohun Earl of Hereford and Essex, John Earl of Warren, William de Fortibus Earl of Albemarle, and other Nobles assigned to Guard them.

The Oath of Confederacy or Association, which the Community of England entred into at this meeting at Oxford, we find transmitted to posterity in the same [1] Annals, with this Title, and in this Form,

Ceo

Ceo jura Commun de Engleterre a Oxford.

Nus tels et tels solum a sabel a tute genz, Re nus abum Jure sur Seintes Echangeles, e sumus tenu ensemble par tel serment, e promettuns en bone foi, Re chescun de nus e tuz ensemble nus Entre Eideruns, e nus, e les nos Cuntre tute genz, Dreit le sanc e rens pernant, Re nus ne purrum sanz Deslire, Salve a * sei le Rei, e de le Corone. E promettuns sur meime le serment, Re Nus de Nus ren ne prendre de Cere, ne de Boeble par Que cest serment purra estre Deslucbe, u en Nule ren Empyre. Et nul fet en Cuntre ceo, nus le rendrums a Ceneie Postel.

The Oath of Confederacy taken by the Community at Oxford. * Sei le Rei, was that Faith and Obedience they had Sworn to him, when they did their Homage and Fealty.

This the Community of England did swear at Oxford.

We Such and Such, make it known to all People, That we have Sworn upon the Holy Gospels, and that we are obliged, or bound together by that Oath, and we promise in Good Faith, That every one of us, and all together shall Aid one another; And that we will do Right to our Selves and Ours against all Men, taking nothing therefore, which cannot be done without Misdoing, Saving the Faith we owe to the King and the Crown. And we promise upon the same Oath, That we will not take any thing from one another, either Land or Moveable (i.e. Goods) whereby this Oath may be disturbed, or any ways impaired. And if any Man shall do contrary hereunto, we will hold him for our Morral Enemy.

In the same place is to be found the Oath of the Twenty four.

Ceo est le Serment a Vint e Quatre.

Chescun jura sur seintes Echangeles, Re il al honur de Deu, e al a sei le Rei e al profit del Reaume, Qdenere e tretera Obekes les abant dit jures sur le Refurmement e le amendment del Estat del Reaume. E Re ne terra pur dun, ne pur pzemesse, pur amur, ne pur bange, ne pur pour de nullis, ne pur Gain, ne pur perre, Re leaument ne face solum la tenur de la Lettre Re le Rei ad sur ceo Done e sun * sez enlement. That is,

The Oath of the Twenty four.

* For fe.

This is the Oath of the Twenty four.

Every one Swear upon the Holy Gospels, That to the Honor of God, and by keeping their Faith to the King, and to the profit of the Realm, He would Ordain and Treat with those that had Sworn before (That is, the Community) about the Reformation and Amendment of the State of the Kingdom. And that he would not desist from that Work, for any Gift, Promise, Love, or Hate, nor for the Power of any Man; nor for Gain, or Loss; but that he would Loyally (that is faithfully or justly) do according to the Tenor of the Kings * Letter, which he had granted, and also made.

* See Appendix. n. 189.

There

There also is to be found the Oath, at that time, Given to the
Chief Justice of England.

Ceo Jura Le haute Justice de Engleterre.

*J' Jure Ke ben et leaument a sun poer fra ceo Ke apent a la
Justiſſe de Dreiture tenir a tute genz al pou le Rei e del Reaume
solum le purbeſpance fere et a fere par les vint et Quatre, et par
le Cunſeil le Rei e les Hanz Humes de la tere, Ke li Jurrunt en
celles choses a aider e a Denteinir, That is,*

This the High Justice of England did, or shall Swear.

The Oath of
the Chief Ju-
stice.

He Swears, or Swore, *That Well and Loyally to his Power, he
would do what appertained to his Office of Justice, and do Right to all
Men. To the advantage and good of the King and Kingdom, accord-
ing to the Provisions made, and to be made by the Twenty four, and
by the Council of the King, and the Great Men of the Land, who
had sworn to Aid and Maintain him in these things.*

With these is to be found the Oath of the Chancellor of England.
Ceo Jura le Chancellor de Engleterre.

* The Word
here wanting,
I suppose to
be Marriage.

*Ke il ne Enſelera nul bief ſoys Bief de Cura ſanz le Wande-
ment, le Rei et de sun Cunſeil Ke terra preſent. Ke Enſeler Dun
de grant Garde ne de Grant * ne de Eſcheaters ſanz le al-
ſentement del Grant Cunſeil u de la greinure partie. Ke Ke il
ne enſelera ren Ke ſeien Contre le Ordinement Ke ſei fer, et ſer-
ra a fere par les Vint et Quatre u par la greinure party. Ke Ke
il ne prendra nul Loer autrement Ke il neſt dibite as autres. E
ſem li baudra un Companiun en la ſurme Ke la Cunſeil pur-
verra. That is,*

This the Chancellor of England did Swear.

The Oath of
the Chancel-
lor of Eng-
land.

*That he should Seal no Writs without the Command of the King
and his Council, that shall be preſent, except Writs of * Courſe, nor
should Seal the Gift or Grant of a Great Ward, or Great or
of Eſcheats without the aſſent of the Great Council, or the greater part
of them. Nor that he should Seal any thing which was contrary to the
Ordinances then made, or to be made by the Twenty four, or the
greater part of them. Nor that he should take any Reward, but what
had been given to others. And that if he took to him an aſſiſtant or
Deputy, it should be according to a form provided by the Council.*

When by their Ordinances, and having procured their Friends
to be made Governors of all the Kings Castles and Places of strength,
in the Nation, and having also provided themselves of a Justiciary,
and Chancellor for their purpose, and bound them by Oath to act
according to their Dictates, They then (if any credit may be gi-
ven to [2] Math. Westminster) held continual Parlements, took
to themselves the Eſcheats and Wards, and gave to their Sons and
Relations all Churches in the Patronage of the King.

And

[2] f. 391. n.
20.
The Barons
Practices,
to enrich
themselves
and Relations.

And when they had driven the Kings Brothers out of the King-
dom, the Baronage, or [3] Comunitie of England, sent Letters
to the Pope to excuse themselves, which were [4] to this effect.
That altho' he had lately sent Mr. Berlot, or Arlot his Sub-Deacon
and Notary, who admonished, and induced them to assist the King
in the prosecution of the Affair of Sicily, which he had underta-
ken without their Advice and Consent, and against their Wills.
Yet, out of Reverence to him and the Holy See, they thought
fit to Answer, That if by their Advice he would Reform the King-
dom, and he would mitigate the Conditions contained in his Bull, of
the Grant of Sicily; Then according to the Terms of the Reforma-
tion, and his Mitigation, they would effectually help him. But
when the King had consented to choose Twelve, and that they
should choose Twelve others, by whom the Reformation of the Na-
tion was to be made; He named Adamar the Elef of Winchester,
and his Brothers, in the number of his Twelve; And that they, but
more especially the Elef, dissuaded the King from consenting to
their Ordinances, and encouraged Prince Edward, and some of the
Nobility to oppose them, so as they delayed the Reformation. And
they also signified to the Pope, That their Offences were so great,
as the Cry of the Poor ascended to Heaven against them, That
their Ministers and Officers were rather to be called Thieves and Ras-
cals, who preyed upon the Poor, insnared the Simple, moved the
Wicked, oppressed the Innocent, triumphed in the worst Actions,
and rejoiced when they had done ill; They therefore considering,
A Commopwealth was a certain Body that grew up by Divine Bene-
fice, and that it was not Expedient, there should be clashing
amongst the Members of the same Body, made the King call the said
Elef and his Brothers, as Perturbers of the publick Peace, to An-
swer their Accusers according to the Laws and Customs of the King-
dom. Yet so, as if they desired it, they might have leave to de-
part, who rather than they would stand to, or undergo the rigor
of Justice, went out of the Nation; And they Declare their inten-
tion to hinder the Elef from returning again, who they said, was
the chief cause of their Disturbance, and would certainly undo,
what they had had taken so much pains to do, by Infatuating the King
and his Son Edward if he came again. And at length, heaping more
Crimes upon him, As that he damnably violated the Liberties of the
Church, imprisoned Men, and wounded Clercs, to the prejudice of
the Crown, which had the sole power of imprisoning; They be-
seech his Holiness wholly to remove him from the Administration
of the Church of Winchester, by the Fulness of his Power (he ha-
ving received it by the Munificence of the Apostolic See) lest worse
things might happen, and they his most Devoted Supplicants be
forced to do it otherwise; and told him for certain, That though
the King and greater Men of the Kingdom, were willing he should
return, yet the Comunitie would in no wise permit his Entrance:
And that he might be removed without scandal, seeing he was not
Consecrated Bishop.

To these Letters Eleven Persons put to their Seals, and witnessed
them on behalf, and in the stead of the whole Comunitie.

[3] Paris f.
278. n. 10. &
lib.
Addition. f.
215. n. 30. 40.
A. D. 1158.

[4] Append
n. 197.
Their Letter
to the Pope
to excuse
themselves.

Eleven Per-
sons put their
Seals to this
Letter.

Of

Of these Eleven, Eight were of the number of the Twenty four Reformers, viz.

Richard of Clare Earl of Gloucester
and Hertford.
Simon Montfort Earl of Leicester.
Roger Bigod Mareſcal of England.
Humfry Bohun Earl of Hereford
and Eſſex.

John de Placeto Earl of Warwick.
Hugh Bigod Juſticiary of England.
John Fitz-Geoffry.
Peter Montfort.

The other Three were of the Number of the Fifteen of the Kings Council, choſen by Four of the Twenty four, viz.

William de Fortibus Earl of Albemarle.
Peter of Savoy Earl of Richmond.
James Aldithley, or Andeley.

The Great Men [5] fearing leſt the Elect of Wincheſter ſhould make haſte to Rome, and by the promiſe of a great ſum of Money to the Pope and Cardinals, procure his Conſecration, That ſo he might more effectually hurt them; ſent Four Skilful, Eloquent Knights, Men of Worth and Credit, to preſent this Epistle to the Pope, and whole Roman Court; with further inſtructions, to Calumniate the Kings Brothers. Who when they had fully Declared the cauſe of their Errand to the Pope, they added other Offences, and great Wickedneſſes the Elect and the others had committed, That is to ſay, Homicide, or Murder, Rapine, Oppreſſions, and Injuries; and that the King would not reſtrain their violence. Nor did they omit to tell the Pope of one great injury they did to Mr. Cuſtace of Len, the Arch-Biſhop of Canturbury's Official, for which all preſent, when it was done, were Excommunicated, through all the Province of Canturbury, and at Oxford before the * Univerſity; and they further told the Pope, That one of the Brothers, Geoffry of Lefignan, Roaſted the Kings Cook, and Tortured him to death, with ſtudied Torments.

After theſe things [6] on the Feaſt of St. Mary Magdalen (that is July 22.) they ſent their Agent to London, who in full meeting of the Citizens in the Guild-Hall, Demanded of them, Whether they would immutably adhere unto, and faithfully obey the Statutes of the Barons, and Manfully reſiſt ſuch as ſhould oppoſe them, and likewiſe give them effectual aſſiſtance; Whereunto they freely conſented, and bound themſelves, by a Chart Sealed with the Common Seal of the City.

About the [7] Feaſt of the Aſſumption of the Glorious Virgin (That is Auguſt 15.) Herlot, the Popes Cleric, Special Counſellor, and Notary, when he ſaw the Broils and Diſturbances in the Nation, privately and prudently withdrew himſelf, while the Storm ſhould be over.

[5] Paris, Addit. f. 217. n. 30, 40, 10. Four Knights ſent to the Pope with this Letter from the Great Men.

Their complaints againſt the Kings Half Brothers.

* That is, the Univerſity of Barons.

[6] Paris f. 974. lin. 1.

The Citizens of London confederate with the Barons.

[7] Ibid f. 76. n. 40. Herlot the Popes Notary retires.

It had been [8] agreed in this Parlement held at Oxford, That all Exceſſes, Tranſgreſſions, and Injuries done or committed, as well by Juſtices, Sheriffs, Bayliſſs, and other perſons in the Kingdom, ſhould be inquired into by four Knights in every County by Jury or Juries to be ſummoned by the Sheriffs to come before them. And the Inquiſitions ſo made were to be Sealed with their own Seals, and the Seals of the Jurors, and to be delivered in their own proper perſons at Weſtmiſter to the Kings Council there, eight days after Michaelmas. And [9] Writs were iſſued to Four Knights in every County to that purpoſe, Dated on the 4th of Auguſt, who made their Inquiſitions and Returns accordingly: But what was done upon the Return of theſe Writs and Inquiſitions I find not.

But do find, That by the Kings [1] Writs the four Knights of every County, had their expences allowed them by the Countie for coming to Weſtmiſter, Returning home, and attendance upon the Kings Council or Parlement.

About the beginning of November this year, the King received the [2] News that Manfred, Son of the Emperor Frederic, was by the Biſhops and Great Men, contrary to the Popes mind, Cholen, and Crowned King of Apulia, who made Arch-Biſhops, and Biſhops, without the Popes conſent; and they contemning his Prohibition, gave to the King all due Reverence and Obedience. The Great Men alſo, not taking notice of Edmund the Kings Son (to whom the Pope had given that Kingdom) did their Homage and Fealty to Manfred, and gave him ſeiſin or Poſſeſſion of the Cities and Caſtles.

In the year 1259. the [3] Nobles were in London at Chriſtmas, with the King, where they Treated amongſt themſelves with great trouble, and doubting, how they might carry on their deſign, and ſatiſfy the Requeſt of Richard King of Aſtain, [4] who had given them notice, he very much deſired to return into England to viſit his Friends, and look after his own Affairs. They ſuſpected his coming might be [5] to pour out his Indignation and Revenge upon the Barons, for their behaviour towards his Father King John, his Brother King Henry, and his Half Brothers; they were afraid he might divide them, and bring off many to follow him, and break their purpoſes.

About the [6] Feaſt of St. Hilary (that is January 12.) they again entred into a common and ſolemn Deliberation and Debate, concerning his coming into England, and ſent the Biſhop of Wincheſter, the Abbat of St. Edmunds-Bury, Peter of Savoy, and John Beſnel to him, That he might certify them of the cauſe of his ſudden and unexpected coming into England, and how long he would ſtay there, and to acquaint him he muſt take an Oath to go along with, and aſſiſt the Barons, in compleating, and eſtablishing their Proviſions and Reformation. He came toward the Sea-coaſt with a good Guard of Horſe, well armed, and carried himſelf very loſtly towards theſe Meſſengers, and ſwearing by the Throat of God, he would not take the Oath they required of him, nor

M m m m

would

[8] Append. 191. All Grievances were to be inquired into by four Knights of every County. [9] Ibid. The Return of their Inquiſitions to be made to the Kings Council.

[1] Append. n. 196, 197. The Knights had their expences allowed them by the Counties. [2] Paris f. 979. n. 30, 40. Manfred choſen and Crowned King of Apulia.

[3] Ibid. f. 981. n. 50. A. D. 1259. Richard King of the Romans deſires to return into England. [4] Ibid. f. 982. lin. 1. [5] Ibid. l. 3.

[6] Ibid. n. 101.

[7] Ibid. f. 983. n. 10, 20. The conditions upon which he was to come into England.

[3] Paris f.
29. n. 30.
A. D. 1260.
44. of Hen.
3. 12. 13.

In the year 1260. King [3] Henry was at London with a multitude of Strangers; Says the Continuer of *Mat. Paris*; But that could not be, for by the close Rolls of this year, *M. s. Dor.* it appears he was in France at Paris Treating of Peace, &c. with that King, the 19th, and 28th of December, at Paris, and 17th of January at St. Denis; and was there; and in Flanders a great part of this year, as is clear from the *Patent*; and *close Rolls*, being dated at several Towns in those Countreys where the King then was.

[4] Ibid. 85.
Annal. Briton.
f. 446. Pope.
Alexander
3. dyed, and
Prin-
Successed
him. 12. 13.
[5] Paris f.
29. n. 40.
Revenues of
the Italians
Churches to
be paid to the
Barons receiv-
ing. 12. 13.
[6] Ibid. 101.
f. 446. Pope.
Alexander
3. dyed, and
Prin-
Successed
him. 12. 13.
[7] Ibid. 101.
f. 446. Pope.
Alexander
3. dyed, and
Prin-
Successed
him. 12. 13.

This year Dyed [4] Pope Alexander the 4th, to whom Urban the 4th succeeded, and was Consecrated the fourth of September.

In the Kings absence the Great [5] men Commanded all the Religious, who farmed the Revenues of the Churches possessed by the Italians, not to answer any of the Rent to them, but to pay it at a time and place appointed to such as should be assigned by the Barons, to receive it, which if they refused to do, they threatened to burn their Houses and Goods, and to inflict the same punishment upon their persons, which was prepared for the Romans. [6] They likewise commanded the Bishops, not to interpose or concern themselves, for any of the Romans or their Revenues upon like penalty. By this Provision the Decree of the Barons (saith the Monk) England for almost thirty years was freed from Exactors, until Simon Montfort was slain. (*Et Montfortus ut Creditur Coronatus*) and as it was believed, Crowned with Martyrdom.

In the year 1261. King Henry was at [7] Christmas in the Tower at London with his Queen, who after he had broke his promise made to the Great Men, was constrained to retire thither to secure himself. He commanded the bolts of the Tower which had a long time been kept there to be broken, and employed it to repair and strengthen the Tower, where it was thought most fit and convenient. Moreover he ordered the City of London to be fortified round about, and called all the [8] Citizens to him, who were old and upwards together, and caused them to swear fealty to him, and commanded it to be proclaimed, that whoever would take Arms under him should be maintained at his own charge; upon this many Barons from all parts came with many Armed men, who were lodged without the Walls, (because the Citizens refused to give them any entertainment.)

Those which had not kindness for the King, raised reports [9] that he would impose upon, and exact from the Great Men and Community of the Kingdom, undue and unheard of Taxes and Tallages to make discord between him and them. He therefore Commanded the Sheriffs of every County to make Proclamation he intended no such thing, and if they found any such reporters of Lyes, to Arrest and keep them until they could produce the Authors, or that they received further Directions from him.

About this time the King received from the Pope [1] Letters of Absolution of himself and his Son Prince Edward from their Oaths, which the Prince refused to accept; but the King received it. When the Great

[7] Ibid. fol.
29. n. 50.
King Henry
employs the
Treasure in
the Tower for
its repair.
[8] Fol. 92.
lin. 2. 1261.
The Citizens
of London and
beyond the
Old Swin-
ley to the
King. 12. 13.

[9] Append.
n. 201.
False Stories
reported of
the King.

[1] Ibid. fol.
29. n. 101.
The King Absolved from
his Oath by
the Pope.

Great Men had notice thereof, they sent Messengers to the King humbly beseeching him to observe inviolably the Oath he had made, and if any thing displeased him, and he would shew it, they would amend it. To which the King with great passion replied, That they had fallen from their agreement, and he would be obliged no longer, but left every one to provide for himself. At length through powerful mollition, it was agreed that two men should be chosen, one by the King, the other by the Barons, who should make choice of a Third, and these three were to hear Complaints on both sides, and settle a lasting Peace. But nothing in this Affair was determined, because Prince Edward was beyond Sea; therefore it was adjourned till his return.

Prince [2] Edward having notice that the Establishment of a firm Peace between the King and the Barons depended upon his return, he forthwith came into England, and brought with him William of Valence lately forced out of the Kingdom, who could not obtain entrance into it again, until he had sworn he would be obedient to the Provisions of the Barons, and answer such complaints as should be made against him. And when he understood by what Counsels his Father was Governed, he was very angry and retired from his presence, and adhered to the Barons according to his Oath, and entered into a Confederacy with them, to search out and drive away from the King all evil Counsellors and their followers. (Good minds Counsellors are driven away by a King's pride.) When this came to the Kings knowledge, He and his Counsellors secured themselves secretly in the Tower of London, and Prince Edward remained with the Great Men.

The Disturbers of the quiet of the Nation [3] endeavored by false and Crafty Suggestions to lessen the affections of the People towards the King, and withdraw their hearts from him, raising reports that he would destroy the just Ancient Customs of the Nation, and the Rights of the People, and oppress them with grievous exactions, that he would call in Strangers into the Kingdom, and depose his own people. And all these false reports were raised, because he provided for his own safety, the Security of the Nation, the maintaining of the Law, and the Rights of his Subjects, by removing of Sheriffs and Governors of Castles, and appointing others that were more able to protect the people from the violence of oppressors. And to secure his good Subjects from their jealousies and fears, that he would not do, nor intend do any such thing, he gave them his Letters Patent.

The Bishop of Winchester, the Barons of Leicester and Gloucester, and other Great men had called [4] three Knights of every County to be Summoned to meet them at St. Albans on the Feast of St. Matthew the Apostle. (that is the 21 of September) to treat with them about the common business of the Kingdom; but being the King had appointed the Great men to meet him that day at Winbory, to treat of an accommodation between him and them, he commanded all Sheriffs to enjoin them to come to Winbory, and prohibit them from going to any other place, that they might understand and see, he should propose nothing but what was for the Good and Advantage of the Kingdom.

[2] Ibid. n. 20.
Prince Edward returns into England. He adhered to the Barons.

[3] Append. n. 201.
False reports spread of the King.

[4] Append. n. 201.
Three Knights of every County Summoned by the Great Men to meet at St. Albans. A. D. 1261. 5. 21. 12. 13.

A D 1163-11.
Paris ut Supra.
fol. 991. n. 101.
The King forced to secure himself in the Tower.
A Recent list made between the King and his Great Men.

In the year 1262. King Henry [5] was, with his Queen and Counsellors at Christmas in the Tower at London, who were forced to take that place for refuge, and to continue there to secure themselves from violence. But at length by the Mediation of the Queen, the breach between the King and the Great Men was made up, and Terms of reconciliation accepted on both sides. After that, the King departed from the Tower, and left the keeping thereof to John Mansel, and from thence he went to Dover Castle, which was yielded without any resistance, and Robert Walterbarth was by the King made Governor of it; from thence he came to Rochester Castle and some others; and to whatever place the King sent, an easy access and entrance was granted according to his own wishes.

[6] Claus. 42.
Hen. 3. M. 4.
Durs.

The King confirms the Oxford Ordinances.

[7] Append. n. 204.
He sendeth to the Pope to Absolve him from his Oath.

The King to gain an Aid from his Nobility in Parlements; and engage them in the Affairs of Sicily (though deceived in both) did not only confirm their Ordinances made at Oxford, but craved [6] the Popes Confirmation of them, as very beneficial to him and his Heirs.

But when those hopes were blasted, [7] he sent to Pope Urban the 4th to Absolve him from his Oath taken to observe those provisions, as prejudicial to the Rights and Prerogatives of his Crown, from which Pope Alexander his Predecessor had Absolved him, but Dyed before his Absolution was completed. He also wrote to him not to confirm the Barons Statutes, if pressed to it, revoking the Commission of his former Proctors sent to Rome, when the Seal was out of his power, (which he did not approve) who acted rather against, than for him.

[8] Paris. fol. 991. n. 50.
He taketh the advantage of the Popes Absolution.
He displaces his great Officers of State.
He made Walter de Marston his Chancellor, and Philip Basset his Chief Justice. Mas. Westm. fol. 180. lin. 7.

[9] Append. n. 205.
Reason why he could not stand to his Oath.

Now the King thinking himself secure on every side [8] resolved to take the advantage of the Popes Absolution, and went to several Cities and Castles, and took possession of them and the Government of the Kingdom, encouraged to this by the promise of assistance he received from the King of France and his Great men. Afterwards the King came to Winchester, and removed from their Offices the Justiciary and Chancellor, that were appointed by the Barons, and constituted others in their places according to his own pleasure, and sent his [9] Writ to all the Sheriffs of England, wherein he relates his own Submission and the Affairs of his Realm to the Provisions at Oxford, under certain conditions which the Barons performed not; the injustice of their Ordinances to the prejudice and depredation of his Royal power and Damage of his People; his Absolution from his Oath to observe them both by Pope Alexander and Urban his Successor: His readiness to do justice to all men Great and Small in his Courts, to which they might freely resort with security, and to observe the Articles contained in the great Charter and Charter of the Forest, which they were commanded to proclaim in all places, and to apprehend and secure all such as adhered to the former Ordinances, or presumed to speak or act any thing prejudicial to the Rights of his Crown, Honor, or Dignity, or to his Execution of his Office. Upon this the [1] Barons came Armed to Winchester, and John Mansel went privately to the King, and acquainted him

[1] Paris. ut Supra.
The Barons come Armed to Winchester.

him with the danger he was in, and constrained him to hasten his return to the Tower of London.

In the year 1263 at Christmas [1] the King, Queen and Council were in the Tower of London, at which time both the English and French Bishops took great pains to make peace between the King and Barons, and at length Both sides referred their Differences about the Oxford provisions to the King of France, who calling together his Bishops, Earls and great men at Amiens on the 22d of January, in that Assembly pronounced sentence for the King of England against the Barons, and Nulled those provisions; But by Evacuating of them, he did not intend altogether to abrogate King Johns Charter. Upon which Exception S. Bonifort, and others, took advantage, and said, The provisions were founded upon that Charter, and therefore would not submit to the King of France his Sentence.

This Parlement of the King of France (as the Monk calls it) being Dissolved, the [2] King of England and his Queen, the Arch-bishop of Canterbury, the Bishop of Hereford, and John Mansel, who were all there returned home. And from that time [3] Henry Son to the King of Almain, Roger de Clifford, Roger de Leybourn, John de Wallibus or Claupe, Hamo Lestrange, and many other Barons left Bonifort, and Roger Bonifort wasted his Lands and Estates. But he confederating with Leolin Prince of Wales, the Kings great Enemy, sent an Army thither, that invaded, destroyed and burnt the Estate and Lands of Roger.

In the mean while the [4] Barons in other parts of the Kingdom by advice, and under the conduct of the Earl of Hereford, Resolving to make good the Oxford provisions, armed themselves, and on a sudden, when they thought not of it, fell upon the Strangers, the Kings Counsellors, and all they knew adhered to him, and in an Hostile manner seized upon their Estates, Places of Strength, Castles, Towns and Goods; [5] Bonifort with his Army took in Gloucester, Worcester, Bridgnorth and Shrewsbury; Prince Edward and the Noble men that were of the Kings party took in the Castles of Ware, Huntingdon, Berknot, &c. and on both sides they wasted, burnt and destroyed their Lands and Estates.

The Londoners also [6] going out of their City in great numbers, wasted and burnt the farms and possessions of the King of Almain, Philip Basset, and many others, that were of the Kings party, and imprisoned the Kings Clerics, the Barons of the Exchequer, and Justices of the Bench.

The King was at this time in the [7] Tower of London with his Queen, and John Mansel, one of his chief Counsellors, who fled from thence, fearing the Rage of the Barons, and when he was gone, the King fearing he should be besieged by their Army against all the power and perswasion of the Queen, by the mediation of some Honourable persons made peace with them, the Articles whereof were these:

First,

The King returns to the Tower.

[1] Paris. f. 991. lin. 1. n. 10. A. D. 1263. 47th Hen. 3.
See the Compromise it self on the Kings behalf in Append. n. 206. and observe the date of it, on Sunday after St. Lucys day 13th of December 1263. It that it had been agreed to Refer these Differences to the King of France before Christmas. The King of France nullith the Oxford Provisions.
[2] Ibid. Several noble men desert Bonifort.
[3] Ibid. n. 10.

[4] Mat. Westm. f. 382. n. 40.

The Barons Arm themselves and seize the Kings Towns.

[5] Ibid. f. 384. n. 50. 385. n. 10.

[6] Ibid. f. 388. n. 20.
The Londoners second the Barons.

[7] Ibid. f. 381. n. 10. 380. Mat. Paris. f. 993. lin. 2. n. 10.
The King maketh peace with the Barons.

[8] Ibid.
The Articles
of the peace.

First, That [8] Henry, Son of the King of *Almain*, should have his Liberty.

Secondly, That the *Kings Castle* should be put into the Hands of the *Barons*.

Thirdly, That the *Statutes* and *Provisions* made at *Oxford* should be inviolably observed, as well by the King as others.

Fourthly, That all *strangers*, except such as the *Well-Affected* should think fit to stay, should presently avoid the Nation never to return again.

A. D. 1264.
18. Hen. 3.
[9] Paris, f.
993. n. 20.

But this peace did not hold long, for the Soldiers that were within *Windsor Castle* [9] furnished it with Arms and Victuals, which raised great suspicion in the *Barons*; and it added much to it, that when *Prince Edward*, had desired of the *Bishop of Worcester*, who was of the *Barons* party to conduct him from *Windsor* to his fathers Court, when he came near *Windsor*, he left the Bishop and went into the Castle, which he took very ill; [1] and *Simon Montfort* coming to besiege it, *Prince Edward* met him at *Kingston*, and offered a Treaty of Peace. But by advice of the *Bishop*, *Simon* kept him prisoner until the Castle was delivered to him, upon condition, that such as were in it might go whether they would, and the *strangers*, and such others that had a mind to go beyond sea, should have *Pass-ports*.

[1] Ibid. n. 30.
Prince Edward kept prisoner by Montfort.

[2] Append.
n. 207.

On the 20th day of [2] March the King was at *Oxford*, and empowered the *Bishop of Coventry*, and *Nicholas Archdeacon of Norfolk*, on the behalf of him and the *Barons* with him, to treat with *Simon Montfort*, and the *Barons* with him, at *Starkly*, before *John de Valentins*, about establishing a firm Peace; but whether they ever treated, or what was the effect of the Treaty, I find not.

[3] Paris, f.
993. 40. 50. &c.
f. 994. lin. 1.

Norhampton taken by the King and Prince Edward.

[4] F. 389.
n. 30.

To the King at [3] *Oxford* came his son *Edward*, where they united their forces, and marched toward *Norhampton*, where then were a Considerable part of the *Barons* forces. They made a Breach in the Town Wall and took it by assault upon the Sunday before *Palm Sunday*, in it he took fifteen Bannerets, (*Milites vexilliferos*) or as [4] *Mat. of Westminster* (*Barones vexilliferos*) besides forty Ordinary *Knights* which were imprisoned in several Castles, and their names are to be found in *Paris*.

[5] Paris, f.
994. n. 10, 20.
His success against several places.

From hence the King [5] marched to *Nottingham*, increased his Army, and laid waste the Lands of his Enemies. The *Earl of Leicester* marched toward *London*, with design to go and besiege *Roche Castle*, which *John de Warenna* defended: It was in some distress, but the King came very opportunely to the relief of it. *Montfort* left Forces sufficient to keep in those within the Castle, and advanced toward the King, who left *London*, and marched toward *Kingston Castle*, which belonged to the *Earl of Gloucester*, and took it; and from thence went to *Roche Castle*, and killed many of those *Simon Montfort* had left there, and caused the rest to flee. From thence he marched to *Coneybridge* and took in that Castle, and from thence to *Debensey*.

Debensey

Debensey, where he received into favour the *Barons* and *Officers* of the *Five ports*. (*Ubi portuenses ad pacem recepti*) And from thence proceeded to *Lewes*, where he was received in the *Priory*, and his Son in the Castle, where the *Barons* wrote to him:

Professing [6] to observe their oath and fidelity to him, and desiring that he would not believe the lies many about him told of them; affirming they put themselves into Arms, not only against their own, but his Enemies, and the Enemies of the whole Kingdom. Sealed by the *Earls of Leicester* and *Gloucester*, at the Request of the others of the Faction.

[6] Ibid. n. 20.
The Barons Letters to the King.

To which the King returned, [7] That they were the cause of all the War, Destruction, Rapine and Misery that had befallen the Nation. That their Intentions were not according to their Profession, nor their Actions according to their Pretences, and therefore desired them. This Answer was dated at *Lewes*, May 1st 48 of Hen. 3^d 1264.

[7] Ibid. n. 30.
The Kings the Answer.

In like manner [8] *Richard King of Romans*, *Prince Edward* and all the *Barons* and *Knights* that adhered to the King, charged them with lies, and desired them; but withal, provoked them to stand to the Judgment of the *Kings Court*, to which they were ready to submit and make their Innocence appear. These Letters were dated the same day.

[8] Ibid. n. 50 and f. 995. lin. 1.
Richard King of the Romans despatch the Barons.

After this the *Barons* sent *Henry Bishop of London*, and *Walter Bishop of Worcester*, their [9] Mediators, for peace to the King, and offered for damages done by them through the Kingdom 30000*l.* so that the *Statutes* of *Oxford* might stand good.

[9] Ibid. f. 995. n. 19.
The Barons Offer to the King.

The King not accepting their offer, they March towards *Lewes*, where he then was, who hearing of their coming, advanced toward them: [1] The *Battel* being joyned, *Prince Edward* engaged the *Londoners*, and beating them made too great a pursuit, so that before his Return, the other part of the *Kings Army* was Routed, and his Father having his Horse [2] killed under him, was, with *Richard King of Almain*, taken prisoners, and many other *Barons*, and many slain. But still the Castle of *Lewes* making a stout defence against the *Barons*, at which the *Prince* took Courage, and rallied [3] his Forces, with design to try the fortune of another *Battel*, which *Montfort* and his Confederates perceiving, sent Messengers for Peace, promising the next day they would effectually treat of it, which was done by the [4] Mediation and Intercourse of *Privy Minors*, between both parties, and the Issue was this; That they should apply themselves to the King of France, and procure him to choose three Prelates, and three Noblemen of France: which six should nominate two French men, who coming into England should choose a third person an Englishman, which three should determine all Controversies between the King and *Barons*, and order all things concerning the State of the Kingdom; and for the [5] performance of this, they were to take their *Corporal Oaths* on both sides, and an Instrument was so to be made of it, sealed with the Kings Seal, and the Seals of others, and that the Eldest Son of both Kings should be delivered *Hostages* for the Security of this Agreement, which was called the *Wile of Lewes*. And so the King

The King refused their Offer.

[1] Ibid. n. 30, 40, 50.
The Battel at Lewes.

[2] Ibid. f. 996. lin. 1.

The King and his Brother Richard taken prisoners.

[3] Ibid. n. 10.

[4] Mat. Westm. f. 393. n. 40.

Montfort refused himself to the King of France to make a peace.

[5] Ibid. n. 56.

Nnnn

committed

The King was to commit himself to his Enemies, Prince Edward and Prince Henry delivered Hostages.
* Ibid. f. 394. lit. 2.

[6] Mat. Westm. f. 387. lin. 5.
[7] Append. n. 108.

committed himself to his Enemies, and they carried him to Canterbury, and sent the Hostages, Prince Edward, and Henry Son to the King of Almain, to Dover Castle, and so came to London, and sent Richard King of Almain to the Tower; and their other Prisoners taken in that Battle, to several Castles to be imprisoned: * And then plundered and spoiled all those that faithfully adhered to the King, or that at any time had served him, as well Clerges, as Laics, of all their moveable Goods.

This Battle was [6] fought, May the 14th; and on the 17th of the same Month, the King sent his [7] Writ to Drago de Barentin, Constable of the Castle of Windsor, to Release Simon Montfort, Son to the Earl of Leicester, and Peter Montfort Senior, according to the Agreement made between him and the Barons, who had been taken at Northampton, and Committed to him by his Son Edward.

After the same manner he wrote to William la Zouche, to deliver Peter Montfort the younger; and to James Audley, or Audley, to deliver Robert Montfort his Brother, both Sons of Peter Montfort.

[8] Append. n. 109.
Montforts Son made Constable of Dover Castle.

On the 28th of May, [8] Henry Montfort, Eldest Son to the Earl of Leicester, was made, by the Kings Commission. Constable of Dover Castle, Warden of the Cinque ports, and had the Chamberlainship of Sandwich committed to him, during pleasure.

[9] Append. n. 110.
The Kings appoints Conservators of the Peace.

On the 4th of [9] June, the King relating, That by Divine Grace, there had been a firm Peace made between him and his Barons to be inviolably observed through the whole Kingdom, did by the Advice and Assent of his Barons Constitute and Appoint in all Counties of England, Keepers and Conservators of that Peace, during pleasure; commanding, and injoyning them by their Faith and Allegiance, that they strictly looked after the Conservation of the Peace in their Counties, and prohibited in his name any one under the penalty of disinheriting, and danger of Life and Members, to set upon any man, or Plunder him, to Commit Homicide, Burning, Robberies, Tolls, (i.e. Thefts or Rapine) or perpetrate any like Enormities, nor do Damage to any man contrary to his Peace. Also that for the future, no man should bear Arms in the Kingdom, without his special License and Command. And if they found any such Malefactors, and Disturbers of the Peace, they were to arrest, and keep them safe until further Order.

Four Knights to be chosen in each County to be sent to London.
* Note the Oathes of Holy Trinity this year, were June 22d. Easter day being April 10th.
[1] Append. n. 211.

In the Body of these Commissions, there was a Precept to every of these Conservators of the Peace, to send four of the most legal and discreet Knights of each County, to be chosen by the Assent of that County, for the whole County, to the King at London, to be there on the * Octaves, or Eight days after the Feast of Holy Trinity at furthest, to treat with Him, his Prelates, Great Men and others, in Parliament, about his own Business, and the Business of the Kingdom.

On the same 4th of June, the King sent his [1] Writ to James Montfort, or Audley, acquainting him, that by Divine Grace, there was a firm Peace concluded between him and his Barons; and that

for the keeping of that Peace, by Advice and Assent of his Barons, it was provided; That no man under Penalty of losing his Lands and Tenements, and also under danger of his Life and Limbs, should wear Arms without the Kings special Licence and Command; and that all the Prisoners taken at Northampton, should be brought to him to London, in whose Custody soever they were. And whereas there were certain difficult Matters which concerned him and his Kingdom, to be Communicated to him, without whose presence they could not be dispatched; he commanded him by the Faith and Homage he ought him, upon receipt of the Writ, to come to him, to treat of the Matters aforesaid; and to bring with him Robert de Sutton, Robert Fitz Walter, Philip de Cobel, and John de Walsbyll, and all others in his Custody, whosoever committed them; that if it were thought fit, they might be exchanged Prisoner for Prisoner, with those taken at Lewes, or otherwise Released upon Security.

Roger Mortimer [2] received the same Precept, which was delivered to Simon Waterbill; and that he should bring with him Reynald de Waterbill, John de Despenfer, Adam le Despenfer, Roger de la Hyde, Pumphrey de Bassingburn, and all other such Prisoners, &c.

Roger de Clifford [3] received the same Command; and to bring with him William de Eybill, Henry de Penbrygg, and Baldwin de Drayton.

A [4] Writ in the same Form, and of the same Date, was directed to John de Grey, Constable of Nottingham Castle; and he was commanded to bring with him Baldwin Wake, Anker de Freschebille, Hugh Gobion, Roger de Dortein, Richard de Hemington, and all other Prisoners in his Custody, &c. This Writ was delivered to Philip Druy, by the Earls of Leicester and Gloucester.

The same [5] Command was to Drago de Barentin, Constable of Windsor Castle; that he should bring William de Furnball, and all other Prisoners, &c. This Writ was given to Charles the Kings Valer, to be delivered to the aforesaid Constable.

The same [6] Precept was directed to John de Wallibus (that is, Claus) Constable of the Castle of Norwich, or his Sub-Constable to come, &c. and bring with him Ger. de Furnball, William de Evesford, Ralph de Wyton, John Estroing, and all other such Prisoners, &c.

The main Business for which four Knights were to be sent, by the Conservators of the Peace of each County, and the Barons were particularly summoned to Parliament eight days after * Trinity Sunday, or on the 22d of June 1264, 48th of Henry the Third, was to Unking the King, which was done in this manner: There was an Instrument ready drawn against their time of Meeting; That for the Reformation of the State of the Kingdom, there should be chosen three Discreet, and Faithful, or Well-Affected Men of the Kingdom, who should have Power and Authority from the [7] King of naming and choosing nine Counsellors, of which nine, three by turns should always be present

None to wear Arms without the Kings Licence.

[2] Ibid.

[3] Ibid.

[4] Append. n. 211.

[5] Ibid.

[6] Ibid.

The business for which the four Knights were summoned. Trinity Sunday was this year June 19. and the Sunday following was eight days after Inclusive, reckoning Trinity Sunday for the first.
[7] Append. n. 213.

Nine Counsellors to be chosen for the King. All great Officers to be chosen by them.

When and by whom Officers ought to be displaced.

The Witnesses that set their Hands and Seals to the Ordinance.

[1] Append. n. 314. Nine to be named to the King for his Council.

sent in the Court; and the King, by the Advice of those nine, should Order and Dispose of the Custody of his Castles, and all other Business of the Kingdom; and the King should make his Justiciary, Chancellor, Treasurer, and all other great and small Officers, that belonged to the Government of the Court and Kingdom, by the Advice of those nine. The first Eleazars were to Swear, That according to their Conscience, they would choose and nominate such Counsellors, as should be faithful to the Honour of God and the Church, and profitable to the Kingdom. The Counsellors also, and all Officers both great and small, were to Swear at their Creation, That they would, to the utmost of their Power, execute their Offices, to the Honour of God and the Church, and to the profit of the King and Kingdom, without any other reward than Meat and Drink, which commonly was presented upon Tables. And if the Counsellors, or any of them, so behaved themselves, as they were to be laid aside and changed; then the King, by the Advice of the three Eleazars, might change and remove as many as he thought fit; and in the place of them, so removed, substitute other fit and faithful Person or Persons. If the great or small Officers behaved themselves ill, they were to be removed by the Council of nine, and other or others, by them to be appointed in their places. And if the three Eleazars agreed not in the Choice of Counsellors, or they agreed not in the Creation of Officers, or Disposing of, or in Dispatching other Business of the King and Kingdom, then what should be ordained by two parts, should firmly be observed, so as of those two parts one should be a Prelate, in Matters concerning the Church: And if it should happen, that two parts of the nine should not agree in any Business; then it was to be determined by the three first Eleazars, or the major part of them. And if it shall be thought expedient by the Community of Prelates and Barons, that all, or any of the three first Eleazars, should be removed, and others substituted; the King should substitute them by the Advice of the Community of the Earls and Barons. All these things the King was to do by the Council of nine, in Form, as it was to be Subscribed by the King, or by them instead of, and by Authority of him. And this Ordinance was to indure, until the Wile made at Lewes should be Completed, or another Form provided and appointed by the Agreement of All Parties. In witness whereof, Richard Bishop of Lincoln, and Hugh Bishop of Ely, Roger Earl of Norfolk, and Marescal of England, Robert de Aet Earl of Oxford, Humphry de Bohun, William Montchensey, and the Major of London put their Seals to the Writing; Done in the Parlement at London, in the June 1264. that is, according to the Writ directed to the Conservators of the Peace of each County, to send four Knights to Treat in Parlement, &c. on the Octaves of Trinity, June the 22d, Easter day being that year, April the 20th. as hath been before noted in the Margin. And that this Instrument was ready drawn, and that there could be little or no debate about so great and weighty Affair, appears clearly by the next [1] Record; by which 'tis Manifest, That the King gave Power to Stephen Bishop of Chichester, Simon Montfort Earl of Leicester, and Gilbert de Clare Earl of Gloucester and Hereford, to name nine, as well Prelates as others, by whose Advice he would Govern the Nation, and commanded them to proceed to the Nomination: Which Record is dated, June 23d. the day after their first Meeting.

The

The short Account [2] Mat. of Westminster gives of this Matter, in many things agrees with the Records; The Prelates, Earls and Barons (saith he) of that party, which seditiously held their King Prisoner, met at London, and unmindful of the Compromise at Lewes, the Oath they had taken, and their own Salvation, bethought themselves of new Ordinances for the Government of the Kingdom: And Ordained amongst other things, That two Earls, and one Bishop, Elected by the Community, should Choose nine Persons, of which three should Assist the King; and by the Counsel of those three and nine, all the Affairs, as well of the Kings Household as of the Kingdom, should be directed. And that what the King should do without the Advice of them, at least of the three, should signifie nothing: And so the Earls of Leicester, and Gloucester, and Bishop of Chichester ([3] who promised all that fought stoutly against the King, and were killed in the Battell of Lewes, immediate entrance into Heaven) were Constituted the three chief Counsellors. Then [4] threatening the King they would choose another, and the Prince to keep him perpetually in Prison; Commento fraudis consertire coacti sunt, they were compelled to consent to this Cheat.

Having contrived and perfected these Ordinances, they sent [4] Letters to the Bishop of la Sabina a Cardinal, and then the Popes Legat in France, and to the Illustrious King of France, That they would utterly annul the Compromise made at Lewes, and Establish this New Peace made by an Amicable Consent of both Parties; And the Bishops of London, Winchester and Worcester, and some others of the Province of Canterbury earnestly beseeched the foresaid Legat, That he would be very ready to promote that Peace. And upon the Saturday, after the Nativity of the Blessed Virgin, which is September the 8th, the Bishops of London, Worcester and Winchester, with Hugh D'Esperier Justiciary of England, Peter Montfort, and Richard de Bergham, Arch-Deacon of Oxford, were [5] Constituted Procurators, and Commissioners to treat in the presence of the Magnificent Prince, the Illustrious King of France, and the venerable Father G. Bishop of la Sabina, and Legat of the Apostolic See, or either of them, about the Reformation of the State of the Kingdom of England, with Power to do whatever they thought fit in this Matter, and give Security for the Performance of it, with a special Clause of Power to Peter Montfort, that what he should swear to, the King must be obliged to it. What these Commissioners did, I find not, 'tis probable the Barons kept themselves to the Instrument of Government made at London without Alteration.

About the beginning of this 48th year of this King, Montfort and his Confederates, had caused it to be spread abroad, That he intended to bring an [6] Army of Strangers into the Kingdom to destroy the Nation, and ordered the Matter, so as the People, by a voluntary Contribution, taxed themselves, or submitted to a Tax, which was Imposed upon them without the Kings Privy or Knowledge, especially in Warwick and Leicestershire, to maintain four or five men out of every Town to march to the Sea-side, and defend the Nation against Strangers. And to undeceive the People, the King Wrote to all the Sheriffs of England, to make Proclamation at the County Courts, and in every Hundred

[2] f. 394. lin. 3. Mat. Westminster his Account of this Affair agrees with the Record.

[3] Ibid. n. 10. The Bishop of Chichester's promise to such as should die fighting against the King.

[4] Ibid. lin. 16. They send Letters to the Pope's Legat, and King of France, to acquaint them with their proceedings.

[5] Append. n. 215. Procurators and Commissioners appointed to Treat of the Peace.

The King to be obliged to whatever Peter Montfort should swear.

[6] Append. 216.

Montfort causeth false reports to be spread of the Kings design; And then Taxeth the people. Four or five to be sent out of every Town to the Sea-side. The Kings endeavour to undeceive his people.

Hundred, and good Town of the County, That he intended no such Thing, but resolved to Keep the Nation in Peace, and commands the People not to believe any such Suggestions, nor to pay the Taxes and Tallages, made or imposed on them, against their Leige Lord, nor to Arm themselves, nor go out of their County, without his Special Command.

Montfort continues to create jealousies and fears, among the People.

7 Appendix. n. 217. The King forced to own whatever Montfort suggested.

But now when Montfort had the King in his Power, about the beginning of July, these Suggestions and Rumors were renewed and spread abroad to keep the peoples Heads warm with Jealousies and Fears; and that an Army might always be ready (for they had made the Country) to Baffle all Attempts, to Rescue the King out of the Power of the Barons, He was made to own them, and [7] Declared to the Arch-Bishops, Bishops, Abbots, Priors, Earls, Barons, Knights, Free-men, and to the whole Community of Counties, That it did certainly appear to him, that a great Multitude of Strangers (who, or of what Nation, not said) who were preparing Shipping, and intended with Force to Invade the Kingdom, to the perpetual Confusion, and Disinheriting of himself, and every one of the Kingdom, unless Care was taken with Force to prevent it. He therefore Commanded all Knights, and Free-Tenants, to prepare themselves with Horse and Arms, so as to be at London on Sunday, after the first of August, to March with him from thence, for the Defence of himself, themselves, and the whole Kingdom against Strangers. And also Commanded every Sheriff to take with him the Keeper of the Peace of the County, to Summon and firmly Injoyn, in the Kings Name, all the foresaid Arch-Bishops, Bishops, Barons, and all others which ought the King Military Service, by the Faith and Homage, in which they were bound to him, and as they loved themselves, their Lands and Tenements, to come to him, not only with the Service they ought him, and were bound by Tenure to perform, but with other Horse and Arms, or send them, and with as many Choice Foot as they could raise, that by their help he might Effectually resist the Danger: Nor was any man to Excuse his non-appearance, upon the shortness of time, That it was not a reasonable space for Summons, because the present necessity would not allow a longer; and therefore it should not be drawn into Custom, for the Future, to the Prejudice of any Man. Furthermore, he Commanded the Sheriff, to cause to come at the same Day, eight, six or four, of the best and most stout Foot-men from every Town, according to the bigness of it, with competent Arms; that is to say, with Lances, Bows and Arrows, Swords, Darts or Hand-stings, Bills or Hatchets; which were to have their Expences allowed upon the Common Charge for forty Days. And that he should send from Cities, Castles and Burghs, a proportionable number of Men, as well Horse as Foot, according to their Bigness and Abilities: Nor was any Man to pretend or plead, That Harvest was then to begin, or any other Family or Domestick Employment, as a Let or Hindrance; seeing it was more safe and better, for a Man with the Security of his Person, to be somewhat Damned in his Goods, than with a total Destruction of his Lands and Goods, by the Impious Hands of those, who thirsted after his Blood (to wit, the Kings) and if they could prevail, would spare neither Age nor Sex, but Deliver them to the Tortures of a Cruel Death. Therefore this Command of the King, the Sheriffs were to publish and give notice to every one, That as they loved the Honour of him, and the Nation, and their own lives, and as they would avoid the perpetual Disinheriting of themselves and Heirs, they should hasten to prepare themselves, as powerfully

as they could, so as they might be at the place and time aforesaid, letting them know, That if he should find any Contemners of his Command, or any that should be negligent, or remiss in the performance of it, that he would seize their Persons and Goods, as of those that would not preserve him and his Kingdom from confusion, and perpetual Disinheriting. This Declaration and Command was dated at St. Pauls London, on the sixth of July.

A On the Ninth of July [8] he sent his Writ to the Good, best, or stout Men, (probis hominibus) of Len, Harmouth, Danwith, Dxford, Jolwith, and all other Cities, Burghs, and Towns, upon the Coast of Norfolk and Suffolk, to be obedient to the Directions of Hugh le Despenser his Justiciary, in securing the Coasts of those Counties, whom he had sent to them to that purpose.

[8] Pat. 48 Hen. 3. M. 11. Dori.

B The Earl of Leicester would be thought a strict observer of the Kings Commands, that others might really be so, and therefore obtained the Kings [9] Licence to Ride with a Body of Armed Horse about the Kingdom, when he had prohibited all others to do it, by reason of the Hostages and Prisoners he carried about with him. This Licence is Dated at St. Pauls London July 16th.

[9] Appendix. n. 218. Montfort rides with a Body of Horse about the Kingdom.

C The Forces to be raised against the Invasion of Foreigners, came not in such numbers as was expected, and therefore the King on the ninth of August, [1] wrote to the Sheriff of Cambridge and Huntingdon Shires, to make Proclamation, That all which were Commanded to be at London, on Sunday next after the first of August, with their Horse and Arms, and other Force, &c. should march thither in all haste both night and day, under pain of losing all their Lands, Tenements and Goods, and Danger of Life and Limbs. And if within three or four days after Proclamation made, they did not March, then he was to take and detain them in Prison until further Order, and out of the profit of their Lands, Tenements and Goods, to send as many Armed Men as they would maintain.

[1] Pat. 48 Hen. 3. M. 7. Dori. The King hastens the March of the new raised Forces.

E People being wearied with Watching, Guarding, and securing the Coasts in Norfolk, Suffolk and Essex against Foreigners, designed to go to their own Homes, pretending they had been there forty days, and would stay no longer. The King had notice of their Intentions, and on the seventh of September, [2] wrote to all that were assembled for that purpose in those Counties, That for several things that might happen, and by reason of some News he had heard, it was necessary for them to stay longer upon the Coast, and commanded them by the Faith in which they were obliged to him, and in pain of losing all they had in the Kingdom, they for his, their own, and the Defence of the Kingdom against Strangers should stay there, and not depart, until they received his License. And commanded the Sheriffs to provide Money from the County, for such as were not able to bear their own Charges, unto eight days after the Nativity of our Virgin Mary, (that is, September the eight) or longer, if need should be. And also commanded the Sheriffs, to seize all the Lands, Tenements, Goods and Chattels of such as were summoned and appeared not, nor sent, and of all such as depart without his Licence; and keep them safe until further Order.

The People wearied out with watching and guarding the Coasts.

[2] Pat. 48 Hen. 3. M. 9. Dori.

They are commanded by the King to stay, to keep out Strangers.

[3] Pat. 48
Hen. 3, M. 3,
Dues.

On the 24th of September, the King [3] wrote to the Sheriff of Oxford and Buckingham Shires, to Command and Injoyn all Knights, and Free-tenants, in his Bailiwick, that were able to bear Arms, and had Lands to the value of an Hundred Shillings, or Ten Pounds a year, under the penalty of losing all the Lands and Tenements they held in the Kingdom, that they should come to him in their proper Persons with Horse and Arms, where-ever he was in England, in all haste to oppose the Strangers that were to come from beyond Sea, who were to be furnished with Money for their Expences in the Army until Three Weeks after Michaelmas; and the Sheriffs were to provide for the Expences of such as were not Able, by taxing the County, and also for the Expences of the Foot. Matthew Westminster [4] says, That almost all France as far as the Alps, by the Intigation of the King of France, Peter Earl of Savoy, Boniface Arch-Bishop of Canterbury, and the Cister of Lyons, and other of the Queens Relations, was in great Indignation with the English, that behaved themselves Seditiously toward, and Traiterously opposed their King, which might raise a Suspicion in them, of the Inclinations and willingness of those People to Assist the King, but speaks not of any Shipping provided, or Forces raised there to reduce them to Obedience.

[4] f. 385.
n. 10.
What the
King of France
thought of the
English.

[5] Paris, f.
996. n. 40, 50.
A. D. 1265,
49th Hen. 3.
Some Loyal
Barons take
up Arms a-
gainst Mont-
fort.

[6] Mat.
Westm. f. 389.
n. 40, 50. Mont-
fort carries
the King with
him to op-
pose them.

The Barons
constrained
to deliver up
their Castles
to him.

[7] Pat. 49
Hen. 3, M. 8.
He made a
plentiful pro-
vision for him-
self and Fam-
ily.

[8] Cart. 49
Hen. 3, M. 4.

[9] Mat.
Westm. f. 390.
lin. 7.

[1] Ibid lin. 9.
He governs
and Orders
everything in
the Kingdom.

Though the [5] King was in the Custody of the Earl of Leicester, and under his Power, Richard King of Almain Prisoner in the Tower, and their two Eldest Sons Prisoners and Hostages in Dover Castle: Yet there remained in the Marches of Wales, several stout and Loyal Barons, Roger Mortimer, James Audley, Roger de L'epburn, Roger de Clifford, Hamo L'estranger, Hugh Turberville, and many others, being much troubled at the Usage of the King and Prince, with one Consent took Arms against the Earl of Leicester. They brake down the Bridges upon the River Severn, and secured themselves in the Borders of Wales, on the West side of it.

To Reduce these, [6] Assumpsit secum Regem Henricum, quem habuit adeo acclivem, &c. Montfort carried with him the obsequious King (made so by Threats) and marched with a great Army to Worcester: And having his Fast Friend, Leolin Prince of Wales, to come upon the back of them, they were forced to make a Peace on Condition, they should leave the Nation for a year, and deliver up their Castles to Leicester; To which Terms they the more readily consented, that Prince Edward might be freed of his Imprisonment: by this Means Leicester became possessed of almost all the Castles upon the Marches from Bristol to Chester; which City and Castle, with the Earldom and Honour, and the Appurtenances, Prince Edward granted to him [7] under pretence of an Exchange, before his Liberty could be Treated of: which Grant was Confirmed by the King, on the 20th of March following, and also the [8] Castle and Honour of Pet, the Castle and Town of Newcastle Underline in Staffordshire, were then granted with them, to him and his Heirs.

And now all things being quiet in the [9] Marches of Wales, the King went toward Woodstock to keep his Christmas there; And the Earl, Fortune favouring him in all things he had contrived, celebrated the same [1] Feast at his Castle of Kenilworth. At this time all England, but the utmost North Parts of it, which as yet held out against him,

him, by the Intigation of the King of Scots, and John Baliol, was subject to him, [2] all things were ordered by him, all the Kings Castles were put into his hands; Nor was the King, that had now Reigned near fifty years, any more than a Shadow, so that he could not walk in his own Land without a Keeper and Guard, and under the total Disposition of some other person. And his [3] Keepers usually were Montfort's Sons, Hugh Despenser, and John fitz John; the Earl of Gloucester being excluded from the Custody of him, whom they only feared as able to break this Confederacy. All the Kings Castles and strong Forts of the Kingdom, they divided amongst themselves, and made the Kings capital Enemies Officers of his House.

There was also at this time much Discourse of [4] Releasing Prince Edward, which had continued almost a year, until he had given him for his Liberty, of being a Prisoner only at large, the Earldom of Chester.

And for this [5] Cause chiefly, and to Treat of some other Difficult Matters of the Kingdom, was the famous Parliament of the 49th of this King, called, the first [4] Pattern of our Parliament, since that time, or from the eighteenth of Edward the First. For the History whereof, how it was summoned, why called, and the old way of Parliaments at this time changed, I refer the Reader to my Answer to Mr. Petyes Book of the Rights of the Commons asserted, in my Introduction to the Old English History, from fol. 136. F. to fol. 143. D.

But Prince Edwards Release could not be agreed upon in this Parliament, whatever other Business might be dispatch'd, for there was another Treaty about it with the Great Men, upon [6] Thursday the morrow of Ash-Wednesday, and the Discharge from the King to Henry Montfort his Keeper, for the [7] Receipt of his Body bears Date 10th of March; and when he was released out of Dover Castle, he was but a Prisoner at large, and under a Guard, and carried about with his Father, whethersoever the Earl of Leicester went; and the Castles of Dover, Scardeburgh, Bamburgh, Nottingham and Coxf, were to remain in the hands of the Barons for five years, as security for him, as well as for the Peace of the Kingdom, Castra [*] nostra, Dobor, Scardeburgh, Bamburgh, Nottingham & Coxf tradenda in obsequium in Quinquennium, &c. who was now grown so great, [8] that the Earl of Gloucester envied him, and thought he was neglected, and not well used by him; for it was not enough for him, thus to carry about the Captive King, but he ordered all the Affairs of the Kingdom as he pleased: Yet that which most offended the Earl of Gloucester, was, that he took to his own use all the Profits and Revenues of the

[4] Though the Keepers of the Peace in each County had Writs directed to them, to send four knights to that Convention, called a Parliament in June, 48th of this King, yet that was not a Parliament, according to this Method, and the Usage afterward; for there was neither Citizens nor Burghesses, nor any to Represent the Chapter of Cathedral Churches, or the Ordinary Clergy; and without doubt these four were of the Number of the small Barons, or Tenants, of Community in Castle, and called to Represent them, to give the more Credit to the Traiterous Ordinance then made.

[2] Ibid n. 10.
The King on-
ly as a Shadow
and always un-
der a Guard.

[3] Ibid, f.
394. n. 30.
Who were
his Keepers,
They divide
the Kings Cas-
tles and Forts
amongst them-
selves.

[4] Ibid n. 40.
Prince Ed-
ward pur-
cheth his
Liberty.

[5] The Writ
of Summons.

[6] Pat. 49
Hen. 3, n. 100.

[7] Append.
219.
Prince Ed-
ward still a
Prisoner at
large.

[8] Pat. 49
H. 3, n. 87.

[8] Paris, f.
997. n. 10.

Montfort and
the Earl of
Gloucester dis-
agree.

Kingdom, and all the Money paid for the [6] Ransom of Prisoners which by Agreement, ought to have been divided between them,

For these Causes there happened a great Difference and falling out between these two *Earls*, which the [1] *King*, by *Montfort's* own Contrivance, indeavoured to reconcile, by the mediation of some *Bishops*; and so confident was he, That he caused the *King* to [2] write to all the *Keepers* of the Peace and *Sheriffs* in *England*, to apprehend such as reported there was any discord between these two *Earls*, and affrighted the people with Jealousies and Fears of a new War. And particularly to *Ralph Basset of Drayton*, [3] *Keeper* of the Peace in the Counties of *Salop* and *Stratford*, and the *Sheriffs* of the same Counties to suppress the Forces *Roger Clifford* and other *Great Men* of the *Marches* were Raising: These Writs bear Date at *Hereford*, May the 10th. and were issued by the Command of the *King*, the *Earl of Leicester*, *Justiciary*, *Peter Montfort*, *Roger St. John*, and *Giles Argentein*; & Sciendum est quod litera ista emanarunt per preceptum Regis, Committis *Leicestrie Justiciarium*, *Petrum de Montforti*, *Rogero de Sancto Johanne*, & *Egidio de Argentein*.

But *Simon Montfort*, who put forth every thing in the *Kings* Name, was deceived; for notwithstanding all the Labour of the *Mediators*, the *Earl of Gloucester* would not be [4] reconciled to him, but withdrew himself and joyned *John de Warenna Earl of Surrey* and *Suffex*, and *William de Valentia Earl of Pembroke*, who a while before had come from beyond Sea, and landed with some small Forces at that Town, who marched from thence, with what numbers they could, to the assistance of the *Barons Marchers*: To whom also came *Prince Edward*, after he had made his Escape from *Hereford* on Thursday in *Whitsun-week*, which [*] was on the 28th of May that year.

On the 30th of the same Month, the *King* [5] wrote to all his *Tenants in Capite*, as well *Arch-Bishops*, *Bishops*, *Abbots*, *Priors*, as *Earls*, *Barons*, *Knights*, and all others, except those that were of the party of the *Earl of Gloucester*; That whereas he, and certain of his *Great Men* and *Feudatories*, sometime since came to *Hereford*, to take care of the Peace of those Parts, hoping to have found his Son *Edward* a great and cheerful Assistant in that Business: He on the Thursday in *Whitsun-week*, about the Evening, made his Escape from the *Knights* which accompanied him out of *Hereford*, to take the Air, and were his Guard, by the contrivance of two *Knights*, and four *Esquires*, that were privy to the Design, and carried him off, intending, as he certainly believed, to go to *John Warren*, and *William de Valentia*, and the *Barons Marchers*, his *Rebels* and *Disturbers* of his Peace; He therefore commanded them by the *Faith*, *Homage* and *Love*, in which they

[6] The Money paid for the Ransom of Prisoners was very considerable, and those that took them challenged it as their own. [7] *Marmaduke* was taken Prisoner at *Letwode* by Hugh *Wynnes*; and Compounded with him for his Liberty, and found Sureties for the payment of seven hundred Mark, and for their Security engaged his Manor of *Alnby*.

were

were bound to him, to come with all haste, by Night and by Day with Horse and Arms, and all their Service and Force to *Worcester*, to go with him against his *Enemies* and *Rebels*.

On the 7th of June, he [6] wrote to the *Guardians* of the Peace, and *Sheriffs* of every County, to Prohibit by Proclamation, all People of their respective Counties, from giving any *Aid* or *Assistance* to his Son *Edward*, the *Earl of Gloucester*, or any *Rebels* of their Confederacy: But whereas he had lately sent his Letters into all Counties, and commanded all men should take an Oath to observe the *Ordinances* made at *London*, therefore all men in every County should rise against the *Rebels*, *Disturbers* of the Peace, and *Transgressors* of that *Ordinance*, and Arrest their Bodies, and have them in safe Custody. These Letters or Writs were directed into the several Counties by the *King*, the *Earl of Leicester Justiciary*, *Peter Montfort*, *Giles Argentein*, and *Roger St. John*. On the same [*] day he wrote to *Roger Bigot Earl of Norfolk*, to hinder all Combinations and Attempts to annul those *Ordinances* and *Provisions* in *Norfolk* and *Suffolk*.

On the 8th of the same Month, a Letter in the *Kings* Name was [7] written to the *Bishop of London*, and the other *Bishops* of the Province of *Canterbury*, *Rex venerabilibus in Christo patribus H. London*, & ceteris *Episcopis*, &c. in which they were required to *Excommunicate* by name, in their several *Diocesses*, his *Contumacious*, *Rebellious* Son, and other *Rebels*: Et est litera Duplicata per *Comitem Leicestrie Justiciarium*, *Petrum de Montforti*, *Egidium de Argentein* & *Rogero de Sancto Johanne*: And this Letter was double, by the *Earl of Leicester*, *Peter Montfort*, *Giles Argentein*, and *John St. John*; no mention of the *King*.

On the 26 of the same, a Letter in the *Kings* Name was [8] directed to the *Major*, *Aldermen*, *Sheriffs*, and the whole *Community* of *London*, *Rex Majori, Aldermanis, Vicecomitibus, & toti Communitati London. Salutem*, &c. wherein he thanks them for their *Fidelity* and *Constancy* to him and his friends, and desires them to continue in them, and to contribute their utmost assistance, to *Suppress* and *Destroy* his *Rebels* where and of what Quality soever, and their *Favours*, by all ways and means they should think expedient. Signed by the *King*, the *Earl of Leicester*, &c. as before. Dated at *Donemuth*.

On the 28th of June, a Writ was [9] directed to *Simon Montfort* the *Younger*, (second Son of the *Earl of Leicester*) *Guardian* of the Peace in *Surrey* and *Suffex*, in the *Kings* Name: That whereas his Son *Edward*, and *Gilbert de Clare Earl of Gloucester*, together with *John de Warenna*, *William de Valentia*, *Roger Mortimer*, *James Audley*, and other *Rebels* adhering to them, had seized divers Towns and Castles, and raised New War in the Kingdom; He Commanded and Injoynd him to give his utmost help to him, and all of his Party to *Destroy* and *Suppress* those *Rebels*, and all others, and all their *Favours*. Dated at *Donemuth*. The same Letters were directed to *Brian Gouze Guardian* of the Peace for *Summer-set* and *Dorset-shire*, To *Hugh Bebeler Guardian* of the Peace for

O o o o 2 Devonshire

[1] Pat. 49 Hen. 3. m. 13. n. 4. The King endeavours to reconcile the two Earls. [2] Ibid. n. 61. [3] Ibid.

The Earl of Gloucester would not be reconciled to Montfort. [4] Pat. 49 Hen. 3. n. 54.

* Easter day April 5th.

[5] Append. n. 221. The King esteems his Son, Prince Edward, a Rebel.

[6] Append. n. 220.

[6] Append. n. 222. He prohibits All from Aiding or assisting his Son.

* Cl. 49 Hen. 3. m. 4. Dors.

[7] Pat. 49 Hen. 3. m. 13. n. 54. The Bishops commanded by the King to Excommunicate his Son.

[8] Pat. 49 Hen. 3. n. 46.

[9] Pat. 49 Hen. 3. n. 45. The King constrained to declare his Loyal Subjects Rebels.

Devonshire, to Ralph Arundel and Adam de Gurdun: Per Regem, Comitem Leicestriae, &c. By the King, the Earl of Leicester, and the others as before.

All July, Montfort, with the King in his Custody, was in Herefordshire and South-Wales; in the mean time his Son Simon got together what Forces he could out of Surrey, Sussex, Kent, Hampshire, and the South of England, and [1] marched toward Renelworth Castle in Warwickshire, there to meet his Father, and joyn their Forces. But Prince Edward having notice of it, he and the Earl of Gloucester marched from Worcester in the night, and surprised them in their Quarters early in the Morning, on the first of August, before they reached the Castle, and took the Earl of Oxford and thirteen Banners Prisoners, Simon and a few others escaping into the Castle. [2] On that day the Earl of Leicester came from South-Wales, to a Manor of the Bishops of Worcester, within three Miles of it, and said there the day following. The Prince then returned from Renelworth to Worcester; Montfort hearing of it, in the Evening when it grew dark, left his Quarters and went to Ewelham.

Next day [3] the Prince passed the River Abon, and intercepted all Intercourse between Montfort and his Son Simon, then at Renelworth, and kept them from joyning their Forces. On the day following, he marched toward Ewelham, and came before one part of the Town, and the Earl of Gloucester with his Forces came before another part; and Roger Boxtimer, with his Troops, before a third: The Earl of Leicester being thus surrounded, must either yeild or fight. [4] On the fifth of August both Armies were drawn up in a large Field without the Town; after a sharp Fight, the Barons Army began to give way, and the Earl of Leicester was killed, and with him twelve Bannerets, *Milites vexilliferi duodecim*; To wit, Henry his Son, Peter Montfort, Hugh Despenser, William Bondeb II, Ralph Basset, Walter de Creppings, William Lox, Robert de Cregos, Thomas de Pohtlee, John Beuchamp, Guido de Bailiot, Roger de Rouler, and many others of Inferiour Degree with Foot, and in great number. And so (says *Rishanger*, the *Continuer of Paris*) this [5] Magnificent Earl finished his labors, who not only laid out what he had, but himself also, to Rescue the Poor from Oppression, to assert Justice, and the Right of the Kingdom. *Sicq; labores finivit vir ille Magnificus Simon Comes, qui non solum sua, sed seipsum impendit pro oppressione pauperum, assertionem Justitiae, & Regni jure*: And then proceeds to tell what a Religious and Devout Person he was in the Religion of those times, what Deference he gave to the Clergy, and how they loved and honoured him. And says further, it was Reported, he was famous for many [6] Miracles after his Death, but for fear of the King they were not published.

Into this Battel, Montfort and the Barons forced the King, [7] *Exeuntes Comes Leicestriae & Barones, una cum Domino Rege Violenter adducto* where he was dangerously wounded, by a Dart thrown at him unawares. In presenti [8] bello, Dominus Rex extitit vulneratus, & Morti penè vicinus Jaculo in eum ex improvviso directo.

After

[1] Paris, f. 998. n. 10, and Mat. Westm. f. 393. n. 10. Prince Edward surprised Montfort's Son.

[2] Paris ut supra.

[3] Ibid. He hindreth their joyning their Forces.

[4] Ibid. n. 10. Montfort defeated and slain.

[5] Ibid. n. 30. His Character by *Rishanger*.

[6] Ibid. n. 40.

[7] Mat. Westm. f. 395. n. 10. The King wounded in this Battel.
[8] Paris, f. 999. lin. 1.

After this Battel we have a full Discovery of Montfort's Practices to write what he pleased, and send forth what Writs he pleased in the Kings Name; and Seal them against his Will with his Seal. King Henry would have given the place of Treasurer of England to Edmund Boxtimer, when in his Custody; but against his Will, the Earl of Leicester sealed a Patent of it to Almaric Montfort; and now when the King had regained the Liberty of his Person and Seal, he Revokes that Grant as void, and gives the place to Edmund Boxtimer. [*] *Cum post Bellum habitum inter nos & Quosdam fideles nostros ex parte una, & Simonem de Montfort, quondam Comitem Leicestriae, & fautores suos ex altera apud Lewes extiterimus in Custodia prefati Simonis, & aliorum fautorum suorum, per Quod Tempore istius Custodiae, contra voluntatem nostram, prefatus Comes litteras sigillo nostro, Quo non nos, sed Comes ipse utebatur pro suo Arbitrio, formari fecit, Continentes, Quod nos Theaurariam Eboracensem tunc vacantem Almarico de Montforti Concessimus, &c.* This Grant bears Date August 7th at Worcester, two days after the Battel, and gives us the true Reason why, in the Kings Name, so many Writs and Commissions issued against his Son and Friends, and against their own Interests.

Upon the next day, by the Mediation of some Bishops and others, the [9] Burgeses of Hereford were received into Favour, and their Goods Protected, upon Condition they should Fine at the Kings Will, for their Transgressions against him and his Son Edward; and upon the 24th of the same Month they were [1] Fined 560 Marks.

The King willing to shew [2] Mercy and Favour to Offenders, rather than take Revenge of them, on the 26th of August, appointed Commissioners to receive into Favour all such of the *Cinque-Ports* that adhered to Montfort, as would submit to his Pleasure, and Compound for their Offences against him.

On the [3] eighth of September he called a Parlement at Winchester, by Advice whereof, the Liberties of the City of London were seized for their Rebellion, and the greatest Offenders committed to Prison, to be punished at the Kings Pleasure.

This Parlement also [4] gave the King all the Rebels Lands, and he appointed two Commissioners in each County, who with the Sheriff were to Extend them, and return the Extent, with the names of the Lands, and the names of those whose Lands they were, to him at Westminster by the Feast of St. Edward (that is the 13th of October) and they were to appoint two Collectors in every Hundred to Collect Michaelmas's Rent, and to deliver them a Note what it was. This Commission bears Date at Winchester the 21st of September. Paris says, The King on the Feast of St. Edward disinherited all that stood with Montfort, and gave their Lands to those that had faithfully served him, according to their Merits, f. 999. lin. 7.

On the sixth of October the King [5] wrote to his four Guardians of his City of London, Humphrey de Bohun Earl of Hereford, John de Bailiot, Roger de Leyburn, and Robert Walerand, That whereas the Mayor, Citizens and whole Community of the City aforesaid, had

A Discovery of Montfort's Villanous Practices.

[*] Pat. 49 Hen. 3. m. 11. Intus inedula consueta. Pat. 49 Hen. 3. n. 33. Pat. 49 Hen. 3. m. 11.

[9] Pat. 49 Hen. 3. m. 11. The Burgeses of Hereford received into favour upon Condition.

[1] Pat. 49 Hen. 3. n. 38. [2] Pat. 49 Hen. 3. m. 11. Dors.

[3] Paris, f. 299. lin. 3. The Liberties of London seized.

[4] Append. n. 123. The Parlement gave the King the Rebels Lands.

The King grants them to his faithful Subjects.

[5] Append. n. 214. His Writ to the Guardians of the City of London.

as

as well concerning their Lives, and Limbs, as their Lands, Tenements, Goods, and other things whatsoever; submitted themselves to the Kings pleasure. Therefore they were to cause Proclamation to be made, That his Peace should be firmly kept in the City and parts adjoining, to preserve it from being plundered,

[6] Append. N. 214. He makes Philip de Cobel Sheriff of Middlesex.

On the same day the King [6] directed his Writ to all such as had Business at the County Court for Middlesex, that because he had not then appointed a Sheriff in that County, he commanded them to submit to and obey Philip de Cobel, or Cobel, as his Sheriff, who was to hold the Court for that day.

On the same [7] day he declares he had given all the Lands and Goods of Thomas Dinefeldon, and Michael Chomp Citizens of London, to his Son Edward.

On the 15th of October the King [8] committed the Custody of the City and Tower of London to Hugh Fitz Dro, during pleasure, answering the profits of them at the Exchequer, and Roger Lephurn was commanded to deliver them, and the Citizens and Community of London were commanded to be answerable, and submit to him in all things appertaining to his Guardianship.

This year died Pope Urban the 4th, to whom succeeded [9] Clement the 4th, before his Consecration he was Guido Bishop of la Sabina, a Cardinal and Legat sent for England; but the [1] Barons and Bishops would not suffer him to Land there when he was come as far as Bologne in France, and therefore he Excommunicated several of the Bishops. He at the Request of King Henry sent Rotobon Deacon Cardinal of St. Adrian Legat into England, and Crowned [2] Charles Brother to the King of France, King of Sicily at Rome.

Many persons pretended and pleaded for themselves, That against their Wills they were forced into the Service of Simon Montfort: The King directed his Writ to the [3] Sheriffs of several Counties to make Inquisition whether it was so or not, and if found to be so, they had seisin of their Lands again, so as they stood to Right in the Kings Court. Dated November 6.

The men of the Cinque-Ports that were the Kings Enemies and had taken part with the Earl of Leicester, committed Rapin and Piracy at Sea: The King [4] wrote to the Bayliffs and Good men of Harmouth to set forth 20 Ships, with 40 men in every Ship at least, to beat Sandwich by the first of January, to Chase, and Fight with and take his Enemies. Dated November 24.

The City and Tower of London and County of Middlesex, with all Appertinencies, were [5] committed to the Custody of John Wallerand, and John de la Lind, during pleasure, to answer the Profits arising from them at the Exchequer; and Hugh Fitz Dro was commanded to deliver them. Dated November 28.

[7] Pat. 50. H. 3. M. 41. n. 117. The King appoints two Keepers of London during pleasure.

The

The King sent his [6] Precepts to all the Sheriffs in England, to make Proclamation in their respective Counties, That all who hold of him in Capite and ought him service, should be at Northampton on the 27th of January, to go against his Enemies in the Castle of Kenelworth and other Straglers that would renew the War if not prevented. Dated December the 20th at Northampton. The Abbot of Peterburgh [7] made fine, and compounded with the King for this Expedition only, at Fourscore Marks.

The King at [8] Christmas was at Northampton with his Queen, The King of Almain, and the Legat, by the mediation of friends, Simon Montfort the younger, submitted himself to the Judgment of the Legat, the King of Almain his Uncle, and Philip Basset, and left it to them to make what Terms for him they thought fit with the King, saying to himself his Life and Limbs, and excepting perpetual Imprisonment.

Simon was brought to the King, and it was [9] Determined he should deliver the Castle of Kenelworth to the King, and depart the Kingdom, and receive out of the Exchequer every year 500 Marks, until there should be a Peace established. But those within the Castle, not liking these Conditions, would neither yield it to the King nor Simon; who was yet under a Guard, and said they received not the Castle to defend from Simon, but from the Countess his Mother, and would surrender it to none but her, and that in her presence.

The Citizens of London made [1] Fine to the King for their Offence toward him, his Queen, Richard King of Almain his Brother, and his Son Edward 2000 Marks, for which he pardoned their Transgressions and Excesses, omnes Transgressiones & Excessus eisdem Civibus, &c. remittimus, & pardonamus, &c. And gave them leave to receive the Rents of their Houses and Tenements, within the City and without, due from Christmasts then last past: and granted they should have the Goods and Chattels of such Malefactors as had been against himself, or his Son Edward in the late War, and had been, or were to be indicted, Except the Goods and Chattels of those whose Bodies he had given to his Son Edward. Exceptu Bonis & Catallis eorum quorum Corpora eidem filio nostro concessimus. And except the Houses, Lands, and Rents, which were or ought to be his Escheats, by reason of the Offences of the Owners; and Granted all Prisoners should be Released, except such whose Bodies he had given before to his Son, and except such Prisoners as were taken by the Citizens, and had been, or were to be indicted. Also that all Pleges of Citizens, for the security of the City which had been delivered to the King, except such as were Pleges or Hostages to his Son for his Prisoners, and except the Pleges of Citizens that were fled. And further he Granted the Citizens liberty to trade by Land or by Sea, as freely as they had done in former times, free from Custom, Toll, or Payage, until the State of the City should fully be settled by his Council, or by his Advice. Quousq; de Statu Civitatis predictae de Consilio nostro plenius Ordinatur. And directed, That no Citizen who in the late Troubles appeared by manifest proof to have been Enemy to himself or Son, for the future, should remain or be Conversant in the City. Dated at Northampton the 10th of January.

[6] Clauf. 50. H. 3. M. 8. Dori. He commands all his Military Tenants to attend him at Northampton.

[7] Ibidem.

[8] Parli. f. 1000. n. 20. Simon Montfort the younger submits to the Kings pleasure.

[9] Ibid. n. 30. Kenelworth Castle refused to yield.

[1] Pat. 50. H. 3. M. 35. Cedula. The City of London fined, and pardoned and restored under Conditions.

There

[.] Ibidem.

There was an [2] Order from the King to John [2] Walerand, and John de la Lind his Guardians of the City of London, reciting, That whereas he had received into his Peace, or Favour, the Citizens of London, according to a Form Granted in his Letters Patents, That they should release the Pledges of the Citizens they had in their custody, and permit them to go whether they would, Except, &c. Witness the King at Northampton the 11th of January.

The like Letters were directed to the Constable of Rochester Castle, with the same T^{se}.

[3] Pat. 50. H. 3. M. 19. Dorf. The Disinherited had a time set to make their peace with the King.

[4] Pat. 50. H. 3. M. 14.

[5] Clauf. 48. H. 3. M. 3. Dorf. Dated the first of September, by which Record it appears to be so.

[6] Park f. 1000. n. 30. Kenelworth Castle refuse to submit. [7] Clauf. 50. H. 3. M. 5. Dorf. Their barbarous usage of one of the Kings Messengers. [8] Ibidem. [9] Ibidem. He reflects it very ill.

All the [3] Disinherited, (for by that name now all the Rebellious Barons and their Confederates were known and distinguished) had leave and safe conduct to come to the King until Easter, to Treat with him, and make their peace, and to return without injury or affront to the place from whence they came. Witness the King at Westminster the 11th of February.

The King [4] wrote to the Bishops and all other Prelates, (that is, Abbats, Priors, &c. these were called *Praelati*) in England. That when he was in the Custody of Simon Montfort, they had Collected a [5] Tenth of all the Church Revenues in England for one Year, for the Defence of the Kingdom, and Church of England, as it was said (*pro Defensione Regni Anglie & Ecclesie Anglicane, sicut Ditebatur.*) He now being willing it should be expended for the true defence and profit of them both, commanded them to pay the Tenth so Collected, unto the Bishops of Bath and Wells, and Lichfield and Coventry appointed receivers of it by himself and Otto von the Legat, according to the Form of the Mandate of the said Legat to them directed. Witness the King at Westminster the 15th of March.

The Kings Forces though they were before [6] Kenelworth Castle, yet they had not so streightened it, but the Defendants, which were very numerous [7] made Excursions, plundered and burnt the Countries, and took one of the Kings Messengers passing by them, and cut off his Hand, and in contempt of the King sent him to him. [8] (*Quendam de nunciis nostris, nuper per partes illas transeuntem, (that is, by Kenelworth Castle) Ceperint & ei manum truncarunt, ac ipsum sic truncatum & turpiter mutilatum, ad majorem nostri contemptum ad nostri presentiam transmiserunt, &c.*) [9] To revenge such an impious affront the King commanded all and singular (*omnibus & singulis*) the Sheriffs of England, should publish in their Counties, and all Market-Towns of their Counties, and also then and there make Proclamation, That all who ought him Service, should Personally appear with Horse and Arms, and besides their Service, with all the Force they could make to Oxford within three weeks after Easter, to go with him against his Enemies and Rebels in Kenelworth Castle and other where, and ordered Watches to be set in Towns and Burghs of every County, that if any of his Enemies passed through them, they might be arrested and delivered to the Sheriff, and if they would not or could not be taken, then the Watch-men and others to levy Hue and Cry every way, and follow them night and day with the Inhabitants of the Towns through which they passed, until they were taken. Dated at the same time and place as the last.

April

April 30th, this year [1] the King Granted the Barons and Citizens of London might choose one of their Fellow Citizens, who had been Loyal to him, and his Son Edward, (*Qui nostre & Edwardi primogeniti nostri fidelitatem hactenus adhaesi*) to the Office of Sheriff of Middlesex, and Keeper or Guardian of the City of London, so as he should be presented at the Exchequer, and take his Oath of Fidelity or Fealty (*Sacramentum Fidelitatis*) there as had been accustomed, and should also answer the Farms of them at the Exchequer, as the Sheriffs of Ancient Time had done. Dated at Northampton, 30 April.

It was spread [2] about the Kingdom, that the Barons and Confederates were Disinherited without Judgment of the Kings Court, in Detraction to his Justice. He therefore caused Proclamation to be made in all Burghs and Market-Towns, that if any of them found themselves injured by himself, or any of his Councillors, in that behalf, he should come to his Court, and do and receive Right, according to the Law and Custom of the Kingdom. Witness the King at Northampton, May 3d. Nay so just he was, that when [3] Robert de Audebert was accused by his Enemies, that he was in Arms against him and his Son, yet he would not give his Lands to any one, until it appeared by Inquisition it was so.

The Continuer of Paris [4] speaking of the Accomodation, that was to have been perfected between the King and young Simon Montfort about Christmas, when it took no effect, says, the King went and besieged Kenelworth Castle, which held out against him half a year, yet at last for want of Victuals was surrendered to him, saving to the Defendants their Lives and Limbs, and necessary Goods. And adds, it was a wonder the King should be so kind to them, when as they had wasted the Country, and defended the Castle against him in the middle of his Kingdom, and but a little before cut off an Hand of one of his Messengers, they had taken, and then sent him to him in scorn.

According to this Relation, 'tis probable, the Castle was surrendered about the middle, or toward the 20th. of July: for by a [5] Writ dated the 21st of that Month, directed to the Sheriff of Stafford and Shropshire, not to disturb, or suffer to be disturbed several therein named, who were admitted to the Kings Peace, by the Bishop of Lichfield and Coventry in his own Diocess, according to the Kings Commission to that purpose, he was then in the possession of it.

The same Historian [6] tells us, That on the Eve of St. Lawrence, August the 9th, the Disinherited entred the Isle of Ely, having first Wasted and Plundered the Counties of Huntingdon and Cambridge.

Soon after the King [7] wrote to the Inhabitants of Essex and Hertfordshire, to assist John de Burgh, and other Loyal Men, that he had appointed to pursue, take and imprison his Enemies, that had gotten into the Isle of Ely, with Horse and Arms, and all their Force, as the said John and others should direct. Witness the King at Kenelworth the 18 of August.

[1] Pat. 50. Hen. 3. m. 10. m. 49. The Kings Grant to the City of London to choose a Sheriff for Middlesex.

[2] Cl. 50. Hen. 3. m. 1. Dors.

He promised remedy to such as found themselves injured.

[3] Cl. 50. Hen. 3. m. 10. Dors. An instance of his Justice.

[4] f. 1000. n. 40.

His kindness to the Defendants of Kenelworth Castle.

[5] Cl. 50. Hen. 3. m. 2.

[6] *U^o supra* n. 50. The Disinherited enter the Isle of Ely. [7] Pat. 50. Hen. 3. m. 7. Dors.

[8] Pat. 50
Hen. 3. m. 3.
Dors.
Answer to
Mr. Peby's
Rights of the
Commons,
8c. f. 343 ff.
36.
A Parliament
called at Ke-
nelworth.

Disum de Ke-
nelworth
where and
upon what
what account
made.
[9] In Bi-
bliothe. Cot-
ton, Claud.
D. 2. f. 132. b.
the most per-
fect amongst
the old Stat.
of Brighth.
Edition 1540.
In 2d Part.
p. 66. b. im-
perfect, and
in the Old
Statutes at
large.
Who were to
compound
for their Es-
tates.

Upon the [8] *Octaves* of the Assumption of the Blessed Virgin (that is *August 22d*) at the Request of *Ostobon* the *Legat* he summoned his Parliament to meet at *Kenelworth*, where it was Agreed and Granted by Common Assent of the *Bishops, Abbats, Priors, Earls, Barons*, and all others, that *Six Persons*, That is to say, the *Bishop of Excester*, the *Bishop of Bath*, the *Elect of Worcester*, *Sir Alan Poude*, *Sir Roger Guiney*, and *Sir Robert Walereand*, by their Oath there made, should choose *Six* others, no ways suspected, who knew best, and would according to their understanding, do what was best for the Security and Peace of the Land: To which Twelve was committed the Care and *Faith* of the *Disinherited*, with Full Power from the *King* and *Great Men* to Determine and Conclude concerning it, which Determination was called the *Ditum* [9] *de Kenelworth*; and if there arose any Difference between the *Twelve*, that was to stand Good and Firm, which received the Assent and Approbation of the *Legat*, and *Henry Son* to *Richard King of Almain*; and they were to finish their Work by the Feast of *All Saints*.

This Determination or Award was made to better the Condition of the *Disinherited*, and to turn the Forfeitures and loss of their Estates into a Composition for them; and therefore

All who began the War, and persevered in it.

All who violently and maliciously kept Northampton against the King.

All that Fought against the King at Lewes.

All that were taken at Kenelworth, under the Command of young Simon Montfort, who had Plundered Winchester, or were in any other place against the King which he had not pardoned.

All fighting against him at Evesham.

All that were in the fight at Chesterfield.

All that freely sent their Service, (that is, their Horse and Arms) against the King or his Son.

All Bailiffs and Servants of the Earl of Leicester, that plundered their Neighbours, burnt their Houses, or killed them, or did other mischiefs.

Should pay the value of their Lands for five years; and if they paid it, they were to have their Land again. The Money was to be paid at two or three short payments; if they paid the whole, all their Land was delivered; if half, then half; if a third part, then a third part; if they were not able to pay, the Lands were to remain in the hands of those the King had given them, till the Money was raised; and out of these Compositions, by the persuasion of the Arbitrators, the King was to gratifie such as had done him faithful Service.

What their
composition
was.

The

The *Earl Ferrars*, and *Henry Hastings*, were to pay seven years profits of their Lands.

Those who had committed less Faults than those above named, compounded for, or were fined, three years, two years, one year, or half a years, Rent of their Lands according to the Nature of their Offence; Those that had no Lands were punished in their Goods.

All Obligations, Writings or Instruments made by the King or his Son concerning *Worship* prohibitions, or made or entred into by any of the Kings faithful Subjects, by reason of the Troubles, were declared null and void by this Award: Whereby it was declared, the King might and ought to exercise his Royal Power and Authority, without the let, or contradiction of any one, by which, contrary to the Laws and Customs of the Land, which had long obtained, his Royal Dignity might be offended: Yet the Great Charter, and Charter of the Forest, were to remain in full force by this Judgment.

The Commissioners humbly beseech the King and Legat, that under danger of Corporal Punishments, and Ecclesiastical Censures, they would strictly forbid any to speak of *Simon Montfort* as a Saint, or to spread abroad the vain and foolish Miracles reported of him.

They also reverently and humbly beseech the Legat to Absolve the King, and all others of the Kingdom both great and small, from the Oaths they had taken to observe certain Charters (concerning *Worship* prohibitions) to the observation whereof they were bound by the Sentence of Excommunication pronounced against such as did not observe them.

This Award, or *Ditum de Kenelworth*, was finished and published in the Castle of *Kenelworth*, on the 31 of *October*, in the year of Grace 1266, and of the Reign of King Henry 51.

This Award had not its desired Effect, for many of the *Disinherited*, that had got into the Isle of *Elly*, as was said before, continued there, and made Excursions, and wasted, and plundered the Countries round about, and would not submit unto it.

Hereupon [1] the Legat called a Council at *Northampton*, and Excommunicated all the Bishops and Clerics which favoured *Simon Montfort*, and gave him Assistance against the King, and by name *John Bishop of Winchester*, *Walter of Worcester*, *Henry of London*, and *Stephan Bishop of Excester*; the Bishop of *Worcester* dyed, *Febr. 5th* next following, and the other three went to Rome to Beg the Popes Favour: At the same time also, he Excommunicated all the Kings Adversaries whatsoever.

After that he sent [2] Messengers to the *Disinherited* in the Isle of *Elly*, and admonished them to return to the Faith and Unity of the holy Mother Church. To this they answered, They firmly held the same Faith they learned from the holy Bishops, *Saint Robert* (that is *Grosset*) or *Grouthead*, of *Lincoln* *Sr. Edmund*, and *Sr. Richard*, (both *Arch-*

Such as had
no Lands were
to be punish-
ed in their
Goods.

None to call
Simon Mont-
fort a Saint.

All who had
sworn to ob-
serve the *Or-*
ford Provisi-
on to be Ab-
solved.

A. D. 1266.
51 of Hen. 3.
who began
his Reign,
Octob. 19.

The *Disin-*
herited in the
Isle of *Elly*
would not
submit.

[1] *Paris*, f.
1001. n. 40.
Bishops that
favoured *Si-*
mon Mont-
fort excom-
municated by
the Legat.

[2] *Ibid.*
1003. n. 30
40, 50, and
f. 1004. m. 1.
The *Disin-*
herited in the
Isle of *Elly*
annihilated
by the Legat.
Their Answer
to him.

Bishops of Canterbury) and other Catholic men, That they believed the Articles of Faith contained in the Gospels; the Gospels also and Sacraments, which the Universal Church held and believed, they did Believe, and in that Faith would live and die.

Secondly, He admonished them to return to the Obedience of the Roman Court: (Romana Curie). To this they Answer, They did Obey the Roman Church as the Head of all Christianity, but not the Lust, Covetousness and Exaltations of those that ought to Govern it.

Thirdly, He admonished them to return to the Kings Peace, according to the late Award. To this they Answer, First, That the Legat was sent into England to make Peace, but he rather kept up the War, because he manifestly joined with the Kings party and incouraged it, and in so doing, maintained the War. Secondly, they Answer, The Award was void, for that the Pope commanded the King and Legat that none should be Disinherited, and they had such a Fine set upon them as it amounted to a Disinheriting.

Fourthly, He admonished them to receive Absolution from the sentence of Excommunication pronounced against them according to the Form of the Church. To this they Answer, Their first Oath (that was to maintain Oxford provisions) was for the Advantage of the Kingdom, and the whole Church, and all the Prelates of the Kingdom thundered out the Sentence of Excommunication against all those that should act contrary thereto; that they resolved to stand to that Oath, and were ready to Die for it, and Exhort the Legat to revoke his Sentence, otherwise they would Appeal to the Apostolic See, or to a General Council, or the Supreme Judge.

Fifthly, He admonished them not to commit any more Robberies, nor damage any one. To this they answered, That when as they fought for the Benefit of the Kingdom and Church, they ought to live upon the Goods of their Enemies which detained their Lands.

From Answering, they proceed to [*] urge the Legat to admonish the King to remove Strangers from his Council, and they themselves admonish the Legat, that their Lands may be Restored without Composition, that Oxford provisions might be observed, that they might have Pledges or Hostages sent them into the Isle for Security, that they might peaceably enjoy it for five years, until they saw how the King would keep his promises; and then make the same Complaints that Bonifort and the Barons made many years before, and enumerated the common pretended Grievances of men of their temper, and desire they might be Redressed.

Toward the Spring the King was in extreme want of Money, and the Legat being in the Tower of London, he wrote to him from Cambridge to receive all the [3] Jewels, and other precious things he had there, and in the Abbey of Westminster, and to pawn for as much as he could, and caused those that had them in their Custody, to deliver them to him; and in the same Letter wrote to him, that concerning the State and Liberties of the City of London he would do what was expedient (in instanti Parlamento apud Sanctum Edmundum

dum) in the Parlement forthwith to be holden at St. Edmunds Bury. This Letter is Dated, March the 8th, Teste Rege apud Cantebriam.

Some, or it may be all the Transactions of this Parlement, the [4] Continuer of Mat. Paris relates thus, (though somewhat preposterously, which is a frequent fault in their Historians) The King caused to be summoned the Barons, Arch-Bishops, Bishops, Abbats, all that ought him Military Service, to meet at St. Edmunds Bury with their Horse and Arms, to go against those which against his Peace had seized the Isle of Ely; All others obeyed the Kings Command, but the Earl of Gloucester, who was in the Confiners of Wales raising a great Army, and did not come. John Waren and William de Valentia were sent to admonish him to come (ad illum Parliamentum) to that Parlement, but could not prevail. They could only obtain his Letters Patents sealed with his Seal (litteras patentes, sigillo suo signatas acceperunt) in which he promised never to bear Arms against his Lord the King, nor his Son Edward, unless in his own Defence. When those that were summoned to the Parlement met, (Abdunatis, Qui ad Parliamentum citati fuerant) except those in Rebellion. The King and the Legat required their compliance with these Articles.

First, That the Prelates and Rectors of Churches, should grant them (sibi considerant) the Tithes of their Churches, for three years next to come, and for the year last past, as they gave the [5] Barons to keep the Coast against the Invasions of Strangers. To this they answered, That the War began by Evil Desires, and did then continue, and for that Reason it was necessary to lay aside these Evil Demands, and Treat of the Peace of the Kingdom, and make use of the Parlement to the Benefit of Church and Kingdom, and not to Extort Money, especially, when the Nation was so much destroyed by War, that if ever, it must be a long time before it could recover it self.

Secondly, They required the Churches might be [6] Taxed by Laymen, according to the just and true value. They answered, It was not reasonable, but contrary to Justice, that Lay-men should meddle with Collecting of Tithes, nor would they ever consent to a new way of Taxing, but that the old should stand.

Thirdly, That the Bishops and Abbats would pay the Tithes of their Baronies and Lay-tees fully according to the true and highest value. To this they answered, They were impoverished by [7] Depredations and Pylundering, That they followed the King in his Expeditions, and spent so much Money, that they were grown very poor, and their Lands lay Un-tilled by Reason of the War.

Fourthly, They required that all Clerges, [8] holding Baronies or Lay-Fee, should go armed in their own Persons against the Kings Enemies, or find so much Service, (Tantum Servitium) as belong to their Land or Tenement. To this they answered, They ought not to fight with the Material, but Spiritual Sword; to wit, with Prayers and Tears. And that by their Benefices or Fees, they were bound to maintain Peace, not War. And that they held their Barony in Frank-Almoin (in puris Eleemosynis

[4] 6. 1000.
n. 30, 40, 50.

A Parlement
called at St.
Edmunds Bury

What de-
mands were
made by the
King and Le-
gat, and the
Answer to
them.

[5] In Sep-
tember the
49 of Hen. 3.
See in the
year before.

[6] Part, ut
supra.

[7] Ibid. 6.
1003. 111. 1.

[8] Ibid. n. 19.

[*] Ibid. n.
10, 20.
They urge
the Legat to
admonish the
King.
Their info-
lent Demands.

A. D. 1167.
11 Hen. 3.
[3] Pat. ex
Hen. 3. m. 4.
Dor.
The King
forced to
pawn his
jewels for
money.

leemol, nis) in pure Alms, and therefore ought no Military Service; but what was certain, and would not perform any that was new.

[9] Ibid. n. 20.

Fifthly, They required on the behalf of the [9] Pope, That with all speed the Expedition of the Crois might be Preached through the whole Kingdom. To this they answered, That a great part of the People had been killed in War; and that if now they should undertake the Crusado, few or none would be left to defend the Nation.

[1] Ibid.

At last it was said, that the [1] Prelates, Will they, Nill they, were bound to comply with all these Demands, by the Oath they had taken at Coburnp, that they would assist the King by all means they might or could. To this they answered, That when they made that Oath, they only meant it of Spiritual help and wholesome Counsel. (Quando Juramentum fecerunt non intelligebant de alio Auxilio quam spirituali, Confilioque salubri.) What was done further in Parliement find not, there was then no attempt made against the Disinherited within the Isle of Ely, only they were [2] restrained from making Excursions by the Forces the King had with him at Cambridge.

[1] Mat. West.
f. 198. n. 20.

[3] Ibid. n. 40.

The Earl of Gloucester London with a great Army. He sent to the Legat to deliver up the Tower to him.

[4] Ibid. f. 399.

lin. 4. The King raises an Army to reduce him.

[5] Ibid. lin. 6, 7, 8.

[6] Ibid. n. 10.

[7] Ibid. n. 20.

[8] Pat. 51. Hen. 3. M. 16. n. 49.

De pace inter Regem & G. Com. Gloucest. He gives for peace and pardon and obtains it for himself and his followers, [9] Ibid.

In the mean while the [3] Earl of Gloucester came with a great Army out of Wales to London, and pretending to serve the King, by the help of the Citizens that were his Friends, entred the City, and sent to the Legat to Deliver the Tower to him forthwith, and prohibited all people to send in any Provision or Victuals to him. The Rabble of the Cities, and Country near it, joynd with him, they Plundered and spoyled what Citizens they pleased, that they thought were not, or they would not have their friends, wasted the Countries, and Robbed, and Pillaged by Water and Land. The King when first he heard of his preparations, sent into the North and other parts for Recruits, and his Son [4] Edward brought from thence and from Scotland to his Father at Cambridge 30000 Men, with which, leaving a sufficient Guard there against the Disinherited in the Isle of Ely, they marched to Windesore, where their Army Dayly increased. [5] The Earl with his Company in London began to fear the King; and sent a Message to him for Peace, upon their own Propositions, which they could not obtain. Then they Challenged and provoked the King to a Battel upon Hundeslawe (now Hundeslo) Heath. Next Day the King Marched thither but found no Enemy. From thence the King Marched to [6] Stratford, where came to him the Earls of Bolongn and St. Paul out of France, with 200 Knights and their Retinue; the Gascons likewise, with many great Ships furnished with all sorts of Warlike, Naval Arms, fit for fight, arrived near the Tower, expecting the Kings Command. [7] The Earl seeing he could not get the Tower out of the Legats Hands, and that his Army was like to be shut up in the City, applied himself to Richard King of Almain, and Philip Butler, [8] who made his Peace with the King, he resolving to believe whatsoever they should say of, or for him. By which Peace he and all his Retinue, and the Company with him, the Londoners likewise, and all his favorers were [9] Pardoned for all Deeds done, from his first motion out of Wales, as well by Water as by Land, in the City, and without, and in divers Counties; which Pardon was not to Extend to the Disin-

Disinherited that were not in the Kings Peace, the Day the Earl began to March from Wales toward London; And that the King might be assured he never should make War against him afterward, he [1] offered his Oath, his Chart, Pleges, and the penalty of 10000 Marks for security. This Accord bears Date at Stratford, June the 15th. the 51st. year of this Kings Reign, and the Pardon June 16th. From the beginning of April when he set forth from Wales, to this time, he had been harrassing of the Countries where-ever he came, and the City during his being there.

The King seeing he could not prevail with the Bishops and other Prelates to assist him with Money in his very great Necessity, applied himself to the Pope, who by his [2] Bull, wherein he rescites all the affronts and injuries done to the King, Queen and Prince, by the Barons, and the Miseries that befel them and the whole Kingdom and Church by those Wars, with the Kings Extream want of Monies and Debts by reason thereof, and the necessity of supplying him for the better support and defence of his Kingdom, the Churches, and his Peoples Liberties; Especially by the Clergy, who had received such Bountifull Gifts and Endowments from him and his Ancestors, Granted the Tenth part of the Profits and Rents of all Arch-Bishopricks, Monasteries, and all Ecclesiastical persons whatsoever, as well Regular as Secular, Exempt as not Exempt, in England Wales and Ireland, for three years, according to the true and highest value, notwithstanding all former Bulls and Exemptions to the contrary. This Bull was Dated at Viterbo in Italy, 5. Idus Junii (9th. of June) in the 2d. year of his Pontificate, which was A. D. 1267. the 51st. of this King, and Directed to his Legat Ottobon, but not put in Execution until after Christmases following.

The English and Welch every year almost, and sometimes often in the same year, made inrodes into each others Countries, fired and burnt Houles, took possession of each others Lands and Goods, and more especially spoiled and wasted the Borders on both sides; of which Actions seeing they were Ordinary and frequent, I have not taken notice for many years. But Llewelin Son of Griffin having been a great Friend to Montfort, and a great support to him in his Rebellious practices, in September this year the King came with a great Army to Shrewsbury, with Design to March into Wales, and Chastise him for his Unfaithfulness to him; who now wanting the help of the Rebellious Barons by Diverting the King, applied himself to the Legat, by whose Mediation a Peace was made, [3] so as all Lands should be restored on both sides, and that the Customs of the Marches should still remain; That King Henry should grant unto him and his heirs the principality of Wales, and that they should be, and be called Princes of Wales; That they should receive the Homage and Fealty of all the Barons of Wales, who were to hold their Lands of them in Capite, except the Homage of Meredith the Son of Rhys, which the King retained to him and his heirs; and if ever the King should grant it to him he should pay for it 5000 l. He likewise Granted him the four Cantreds of Northwlad, to hold and possess them as fully as ever the King and his Heirs had possessed them. For which Princi-

[1] Ibid. What security he gave the King for his future behaviour.

The Bishops refuse to assist the King with Money. [2] Cart. Hen. 3. M. 16. in Cadula.

The Pope grants the King a tenth of all Ecclesiastical Revenues for three years.

The Welch and English destroy one another's Counties.

The King signed to chastise Llewelin Prince of Wales.

He desires peace and obtains it. [3] Cart. Hen. 3. M. 16. De Reformatione pacis inter Regem & Llewelinum Principem Wallie. The Article of the peace.

Principality, Lands, Homages, and Grants, the same Prince and his Successors were to swear Fealty, and do Homage, and perform the accustomed Services due to the King and his Heirs, as they had been done by him and Predecessors to the King and his Ancestors. And further was to give him 25000. Marks. This Agreement bears Date at Shrewsbury, 25th. of September, 1267. The Record is long, but this is all that is material in it.

A. D. 1268.
52 Hen. 3.

[4] Cart. 51.
Hen. 3. M. 10.
in Cedula.
The Legat
appointed Col-
lectors of the
tenth lately
granted.

[5] Pat. 52.
Hen. 3. M. 33.
Inno. 3. M. 33.
[6] Pat. 52.
Hen. 3. M. 9.

Inno.
Salisbury and
Bath and Wells
compound by
the year with
the King.

[7] Ibid. M. 2.
Inno.

[8] Paris fol.
1004. n. 30. 40.
The King
Marcheth a-
gainst the dis-
sentiment in the
Isle of Ely.
He soon reduc-
ed or disper-
sed them.

[9] Ibid. fol.
1005. In. 1.
A. D. 1269.
Edward and
Edmund the
Kings Sons un-
dertake the
Crois.

[1] Ibid. n. 10.
The Kings
Proclamation
for the securi-
ty of his sub-
jects goods.

[2] Ibid. n. 10.
The King of
France his In-
vitation to
Prince Ed-
ward.

The Pope having in his Bull of the Grant of the tenths of all Arch-Bishopricks, Bishopricks, &c. before mentioned, Comanded his Legat to Collect or Receive it, or cause it to be Collected or Received by other fit persons; [4] He assigned Walter the Blett of Bath, Stephen of Canturbury, and Ruffin Clivel Arch-Deacons, in that Church to receive and pay it to the King, one third part at Easter following, another third part at Midsummer, and the last at Michaelmas, and so for every of the three years, and the King by the Assignment of the Legat appointed [5] Collectors of this tenth in every Diocess.

The Dean and Chapter of Salisbury [6] compounded with the King for 1000 l. a year for all the tenths arising out of that Diocess, and the Dean and Chapter, Abbats and all the Clegy of the Diocess of Bath and Wells [7] compounded with him for 500 Marks down, and 350 l. 4 s. ob. each year for their own tenths.

The King with his Army this year Matched [8] toward the Isle of Ely to reduce or disperse such as had taken refuge there, and by the assistance and advice of such as inhabited thereabout, he made Bridges with Planks and Hurdles at convenient places, so that the Soldiers with little difficulty entered the Isle, and presently brought many of them to the Kings obedience, and put the rest to flight.

In the year 1269. King Henry was at London [9] with his Queen and Ottobon the Legat, who called a Council at London, and there constituted many things for the Reformation of the Church of England. Soon after at Northampton he signed with the Crois Edward and Edmund the Kings Sons, the Earl of Gloucester, and many other Noblemen of England, and then with an inestimable Treasure returned to Rome.

At the same time the King [1] caused it to be proclaimed throughout all England in every County, that whoever should invade or unjustly usurp any ones goods or possessions, he should be liable to a Capital Punishment which was soon after executed upon one at Dunstable, who had driven away twelve Oxen that were the Villans of Colne, belonging to the Abby of St. Albans, who persued him and took him, and brought him before the Baylis of the Liberties of St. Albans, who read to him in English the Kings Letter before the whole Multitude, and then by virtue of the Kings Command, Sentenced him to be beheaded.

This year the King of [2] France sent Messengers into Eng-land

land to invite Prince Edward to accompany him into the Holy-Land, to whom the Prince replied that the late Wars between the King and his Great-men had exhausted the English Treasury, so that he had not sufficient to supply his necessary Expences for such an Expedition. The King of France offered, that if he would comply with his desires, he would furnish him with 30000 Marks; To which Prince Edward consented; and forthwith offered Safteign as security for his Mony, and then came into England to obtain leave of his Father King Henry, which he granted with Tears and gave him his Blessing.

In the same year [3] in the Octaves of St. Martin (or the 19th. of November) a Parliament was held at Barleberg, in which by the Assent of the Earls and Barons were made the Statutes of Barleberg, in quo assensu Comitum & Baronum edita sunt Statuta que de Barleberne vocantur.

In the year 1270. King Henry [4] with his Queen and the Chiefs of the Kingdom was at Christmase at Elham. On the eighth of April Edmund the Kings Second Son Married Quelin the Daughter of William de Albamacla Earl of Bolborens.

This whole year proved very quiet and peaceable, and nothing memorable happened, only the great Preparation Prince Edward, and others who had undertaken the Crois made for their Journey to the Holy-land. The King as well as [5] Prince Edward was Signed with the Crois, for this Expedition, but the Prelates, Great-men and Community of the Land did not think it expedient nor safe for them both to be absent at that time, and therefore by the advice of the said Prelates and Great-men, he committed the business of the Crois and the Sign of his Crois to his Son Edward, and all the twentieth part of Moveables granted for the Ayd of the Holy-land.

In the year 1271. King Henry [6] with his Queen, Sons and many of the Nobility, kept his Christmase at London.

On the Second of April [7] Richard King of the Romans dyed at Berkhamstede Castle, His heart was buried in the Fryers Minors Church at Oxford, and his Body in the Church he built at his own Charges for the Monks of the Cistercian Order de Bailes.

In May following Prince Edward, his Brother Edmund, four Earls and as many Barons, besides a great number of Noblemen, began their Journey to the Holy-land, and after ten days sail from France, he landed at Tunis, where he was met by the King of France and his Chief-men, with great joy and kindness. [8] In August Diseases and great Infirmities seized and afflicted the French Kings Army, which took away many of great Note, whereof the Chief were John Earl of Nevers the Kings Son, and the Cardinal of Albania the Apostolic Legat, and on the day after St. Bartholomew King Lewis [9] departed this life at Tunis. At the same time Henry the Son of Richard King of the Romans desired leave of

Q 999

Prince Ed-
ward accep-
his offi-
ce.

[3] Pol. 100.
Inno. 4.
A Parliamen-
at Barleberne
Statutes ma-
there.

[4] Ibid. n. 10. A. D. 1270.
Prince Ed-
mund Mar-
ried.

Prince Ed-
wards prepa-
ration for the
Holy-land.

[5] Appen-
n. 226.
King Henry
signed with
the Crois.
He committed
his Crois a-
aid to his Son
Prince Ed-
ward.

[6] Paris fol.
1005. n. 30.
A. D. 1271.

[7] Ibid. n. 1007. n. 30.
Richard King
of the Romans
dyed at Berk-
hamstede Castle.

Prince Ed-
ward begins
his Journey
to the Holy-
land. He lands
at Tunis and is
kindly receiv-
ed by the
King of France.
[8] Pol. 100.
n. 40.

[9] Ibid. n. 10.
The King of
France dyed
at Tunis.

[1] Fol. 1007.
n. 20.
Prince Henry
slain at Merton.

his Cousin Prince Edward to return into England, and having obtained Licence in his Journey homeward, he was [1] slain at Merton while he was at Mals in the Church of St. Lawrence, by Gualdo the Son of Simon Montfort Earl of Leicester, to revenge his Fathers death.

[2] Ibid. n. 30.

[3] Fol. 1006.
n. 30.
Joan de Acres
Prince Edwards Daughter born at Acon.

All these misfortunes could not discourage [2] Prince Edward from proceeding in his Journey to Acon, where Alien² his Wife was brought to bed of a Daughter which was Named [3] Joan de Acres, afterwards Married to Gilbert Earl of Gloucester. When the English saw the undaunted Spirit of their Prince, they resolved cheerfully to accompany him in all his undertakings.

[4] Fol. 1007.
n. 40. A. D.
1273.
Prince Edward escapeth a great danger at Acon.

In the year 1272. while Prince [4] Edward continued at Acon, the Admiral of Joppa (or Consul, as we call that Dignity) sent to him several Letters and Messages of Friendship and kindness by one Anzasin, who had been ever Educated under-ground, that he might prove the more undaunted in any Attempt of desperate wickedness. One time he pretended to have some private business to Communicate to him, upon this the Prince Commanded all that were present to retire, and as he was looking out of the Window, on a sudden the Assassin drew out a poisoned Knife, and gave him two wounds in the Arm, and one in the Arm-hole. The Prince having presently recovered himself, threw him on the ground, and then snatched the Knife out of his hands, and immediately killed him with it. Others report he beat out his Brains with a Stool that was next him. Then he called in his Friends and Servants, and related to them what mischief had befallen him, and Commanded the Body of the Assassin to be Hanged upon the Walls of the City, with a live Dog by it, to be a Terror to others. When the Admiral heard of it he shewed great sorrow, and assured the Prince he was no way Privy to it. But when the Soldiers heard how their Prince was wounded, they resolved to have revenged themselves upon the Saracens, but were hindered by the Prince.

[5] Fol. 1008.
n. 40. 50.
A. D. 1273.
A great quarrel between the Citizens of Norwich and the Monks. The Cathedral burnt. The Citizens punished.

Next year there arose a great quarrel between the [5] Citizens of Norwich and the Monks, which was increased to such a height that the Citizens set fire to the Church, which together with the adjoining Buildings were all consumed, except the Chappel of St. Walter nigh the Infirmary, and sacrilegiously carried away the Holy Vessels and other Utensils, and their Books which escaped the Flames. The King was much moved at this wickedness, and sent Jusiciary Tribes down to Norwich, who Convicted a great Multitude of the Offenders, and Condemned them all to be drawn at Horses Tails and Hanged. Soon after the King went thither in person, and when he beheld the Ruins of the Church, he could scarce refrain from Tears. The Bishop of Rochester Excommunicated all that were concerned in, or abetted this wickedness, and the King Condemned the Community of the Town to pay 3000 Marks of Silver, towards the rebuilding of the Church, besides Ten pounds in Gold, and the value of one hundred pounds in Silver for a Golden Cup, ad restaurandam Cuppam Auream. Matt. Westminster, says they were drawn and Hanged Judicially, and then burnt, and the Goods of those that fled Confiscated.

For

For the due Prosecution of these Criminals, the King sent his [6] Precept to William Gifford Sheriff of Norfolk and Suffolk, Dated September the 6th. at St. Edmunds Bury, to Summon all the Knights and Free-holders of both Counties that had twenty pounds a year and above, to appear before him at Norwich on the 15th. of the same Month, to do as they should be directed by him, with advice of his Council. The same Writ issued to the Sheriff of Cambridge and Huntingdonshires, to summon Twenty four Knights and Free-holders, Milites & Libere tenentes that had Twenty pounds a year or above, to be at Norwich the same day.

Then the King returned to London, and as he passed by the Abbey of St. Edmunds, he was seized on by a languishing distemper which never left him as long as he lived. In his sickness the [7] Earls, Barons and Prelates, came to him that they might be present at his death. He desired his Debts might be first paid, and what remained might be given to the relief of the Indigent. He dyed on the Feast of St. Edmund (or the 20th. of November) after he had Reigned Fifty six years and twenty days, and was buried at Westminster.

[6] Pat. 56.
Hen. 3. M.
Isur.
The Knights and Freeholders of Norfolk and Suffolk summoned to meet the King at Norwich. As also the Knights and freeholders of Cambridge at Huntingdonshires. King Henry falls sick. [7] Parli. 1009. n. 10. And dyes.

Q999 2

CHURCH

Church Affairs.

Here were in this Kings long Reign many Councils holden, and in them all many Canons made, about the then Ordinary Matters of the Church. These I shall pass by, and note those things, which were the Matter of Debate and Discord: *Inter Regnum & Sacerdotium*, between the Secular and Ecclesiastical States, and are contained in the Canons made at [1] *Berton* by Boniface the Arch-Bishop of Canterbury, the Bishops and Clergy of the Kingdom both Secular and Regular, (who met there on Thursday before [2] Barnaby day, Anno Domini 1258, and 42d of Henry the Third) as Provisions against the Fifty Articles of Grievances, which were like to those St. Thomas the Martyr and Arch-Bishop of Canterbury contended for, and became a glorious Conqueror: *Qui Articuli vel capitula, similia fuerunt illis, pro quibus Beatus Thomas Archiepiscopus Cantuariensis, Martyr dimicabit, Victor effectus Gloriosus.* Paris, f. 951. n. 30. who in his [*] Additaments says, They were the Articles for which the Bishops had, and were to fight for: Two year after they were again Reviewed and Confirmed at London. Linwood Oxford, f. 15.

1. That no [3] Arch-Bishop, Bishop, or inferior Prelate be forced to appear before any Secular Court upon Summons from the King or any Lay-man; But the greater Prelates shall signify to the King they cannot obey any such Summons, without danger of their Order or Subversion of Ecclesiastical Liberty. And if the King or his Officers shall proceed to Attach or detain any Prelate thus refusing, they shall be obnoxious to Excommunication and Interdict.

2. That no Cleric of any Condition or Order do by his own power or any Lay-authority thrust himself in, or be possessed of any Ecclesiastical Benefice or Dignity; And every one so offending shall be for ever deprived of his Benefice, and Excommunicated by his Diocesan. And if any such Intrusions shall be made by the Kings Authority, the Diocesan shall admonish him to revoke them, and upon refusal to Interdict all his Lands and Places lying in that Diocese; if by any Great Man, then to Interdict and Excommunicate him, and he is not to be released till he hath made sufficient satisfaction.

3. That no Persons Excommunicated and Imprisoned, shall be set at Liberty by any Sheriff or Bailiff without the consent of the Prelates. And every such Sheriff or Bailiff so offending, unless he maketh satisfaction to the Church, shall be Excommunicated; but if they do it by the Command of the King, then they are to be more favourably dealt withal, according to the Discretion of the Ordinary. And if the usual Writ De Excommunicato Capiendo, shall according to the Custom of the Realm be required and denied; then the Prelates shall admonish the King to grant it, and upon his refusal to Interdict all his Cities, Castles, Burghs and Villages in that Diocese.

4. That

[1] Annal. Briton. f. 388.

[2] It was this year on Tuesday month after Whitsun week day, and was the very day on which the Barons met at Oxford, and made the Provisions there, which were the cause of all the mischief that ensued.

[*] f. 199. n. 30.

[3] Annal. Briton. f. 389. Paris Additaments, f. 204. n. 40.

4. That if any Lay-man do apprehend and detain any Cleric, that is known to be so, and of good fame, and do refuse to set him at liberty upon demand of the Ordinary, let him be Excommunicated, and the place Interdicted. Whoever shall falsely accuse any Cleric, let him be subject to the same Censure. Whoever shall apprehend any Cleric that are vagrant and unknown, and do refuse to deliver them to the Ordinary upon his Demand, shall be censured as aforesaid. If any Cleric be amerced for any personal Transgression by a Secular Judge, he shall not be compelled by the [*] Prelates to pay the Amercements, because they were not set by his proper Judge: But if he be Canonically convicted by his Ordinary, he shall make satisfaction according to the quality of his Transgression and Discretion of the Ordinary.

5. If any Lay-man shall bring the Kings Prohibition to remove his Action from the Ecclesiastical to a Secular Court, let him be Excommunicated, and if he doth not desist, then let his Land be Interdicted.

6. That any Jew, though Interdicted Trade and Communion with the Faithful, yet may be compelled to answer before an Ecclesiastical Judge; and whoever doth forbid or hinder him from so doing, let him be Excommunicated and Interdicted.

7. Whoever shall forcibly take away or kill any that have taken refuge in any Church or Church-yard, or shall hinder them from receiving any Victuals for their maintenance, while they are under Ecclesiastical protection, let them be Excommunicated.

8. Whoever shall invade or infringe Ecclesiastical Goods or Liberties, let them be Excommunicated by the Ordinary of the Place. And if they do persevere, let the places wherein they live be Interdicted; And neither of the Sentences to be released till they have made competent satisfaction.

9. If any Great Men shall violate the Privileges of Sanctuary, either by invading and carrying away their Goods; or by reproaching, beating and evil treating the Religious, let them be solemnly Excommunicated till they make Restitution and Satisfaction.

10. If any of the Kings Bailiffs shall in the vacancy of any Cathedral or Conventual Church make any waste of the Woods, Warrens, Houses, Corn, Furniture, Tithes or Oblations appropriate to Bishops, Priests, and Monasteries, let them be Excommunicated. And if they persevere, let the Sentence denounced against Infringers of Bagna Charta be solemnly pronounced against them, and upon contempt of these Censures let them be Interdicted. And if the King be competently admonished; and doth refuse to make restitution, let him be proceeded against as is usual in such Cases.

[*] They were to force the payment of Amercements by Ecclesiastical Censures.

11. If

11. If any *Itinerant Judge* doth not accept of the Appearance of any *Arch-Bishop* or *Bishop*, by his *Attourney* or *Proxy*, but shall proceed to *Distrein* or *Attach* them, or doth not accept their *Plea* of *long Possession* to a *Quo Warranto* why they use their Liberties, but shall suffer their Persons to be *Attached*, and their Goods *Distreined*, let the *Attachers* and *Distreiners* be *Excommunicated*. And if they do not dismis any *Prelate*, when he is required by the *Arch-Bishop* and *Bishops*, let them proceed to *Interdiction*.

12. If *Justiciaries*, or any *Secular Judges* shall by *perverse interpretation* of *Charters* (saying they are void, because the *Express* [*] *Article* or words were not in it) *Defraud* and *Wrong* any *Church* or *Religious place* of their *Liberties*, *Goods* and *Possessions*, let them be *admonished* by the *Ordinary* of those places where such Judgment is given, that such a *Sentence* will be to the *Churches* *prejudice*: And if they do not refuse to harken to such *Admonitions*, let them be *Excommunicated* and *Interdicted*.

13. If the *King*, his *Great Men*, or any *Capital Lords*, or their *Heirs*, who have been *Founders* or *Benefactors* to *Religious places*, shall *Distrein* any *Ecclesiastical Person*, because he doth not *Suit* or *Service* to their *Secular Courts*, let them be proceeded against by the *forelaid Ecclesiastical Censures*.

14. If any *Lay-Lord* do hinder the *Ordinary* from distributing the Goods of any one that died *Intestate*, either for the *payment* of his *Debts*, or for the *Maintenance* of his *Children* or *Parents*, or for *Pious* and *Charitable Uses*, let him be *Excommunicated*; And also such as hinder [*] *Villans* from making their *Wills*.

The King [4] wrote to the Pope to revoke these Provisions and Constitutions, as being made to the great Prejudice, Hurt and Damage to the Rights of his Crown and Kingdom, and appointed two Proctors to transact this Affair with the Pope. But with what Effect I cannot say, but do believe they might be revoked, because I find them not put in practice.

[*] The Clergy extended those general words, The Church shall be free, and shall enjoy all her Liberties, to whatever they called, or had a mind to make a Liberty of the Church.

[*] That they might not be hindered to give to the Churchmen and Monasteries.
[4] Append. a. 230, 131.

Taxes

Taxes in this Kings Reign.

The Parliament called at *Northampton*, in the *Octaves* of Holy *Trinity* 1224. granted the King two Shillings of every Plough Land; and the King granted to the Great Men *Scutage*, two Marks Sterling of every Knights Fee.

Mat. Parli. fol. 32. n. 11. 3. 9 Hen. 3. A. D. 1224.

The Parliament called at *Westminster* at *Christmas* 1224. granted the King a Fifteenth of all Moveables, as well of the Clergy as Laity of the whole Kingdom; for the Grant or Confirmation of *Magna Charta*. One half of this Fifteenth was Collected soon after *Easter*, and the other half was to be gathered *Michaelmas* following.

9 H. 3. fol. 323. n. 10. A. D. 1224. fol. 324. n. 40.

A fortieth part of Moveables granted.

16 H. 3. A. D. 1224.

A. D. 1226. the 11th of *Henry* the Third, he wrote to the Bishops and Clergy to give him a Fifteenth of all their Moveables, as the Bishops and Clergy of *England* had then done.

Pat. 17 H. 3. m. 11. A. D. 1226.

King *Henry* compelled the Citizens of *London* to pay him Five thousand Marks, because they had given so much to *Lewes* late King of *France*, when he left *England*, and levied a Fifteenth.

12 H. 3. A. D. 1227. fol. 325. n. 10, 10.

At the same time he took for an Aid from the Burgesses of *Northampton* Twelve hundred pound, besides one Fifteenth.

He likewise forced all Religious and Beneficed Clerks to pay a Fifteenth as well out of their Spirituals as Temporals, and they which were unwilling to pay, were compelled either by the Kings Authority or Ecclesiastical Censures.

Soon after the Religious and others had notice, that unless they renewed their Charters, the old ones should be of no advantage to them, and for the renewing every one paid according to his Faculty, at the Justiciaries Discretion.

12 H. 3. lib. n. 40.

In the year 1230. Arch-Bishops, Bishops, Abbats and Priors gave a great sum of Money for recovering his Rights beyond Sea. At the same time he put the Citizens of *London* to a grievous Redemption, and forced the Jews to pay the third part of what they were worth.

Fol. 367. n. 1. 15th H. 3. A. D. 1230.

In the year 1231. the King required a *Scutage* of three Marks of every Knights Fee, of all that held Baronies, as well Laics as Prelates. It was opposed by the Arch-Bishop of *Canterbury*, and some other Bishops, but agreed to by all others.

16 H. 3. fol. 367. n. 50. A. D. 1231.

On the 14 of *September*, in a Parliament held at *Lambeth*, a fortieth part of all Moveables, as well of Ecclesiastics as Laics was granted to the King, and was Collected the latter end of *October* following.

A. D. 1232. 17 H. 3. fol. 377. n. 5. n. fol. 380. n.

A. D.

A. D. 1235.
10 H. 3. fol.
417. n. 30.

Clau. 21 H. 3.
m. 1. and m.
11. Dors.

Cl. 21 H. 3.
m. 1. and m.
11. Dors. A. D.
1236.

Pat. 20 H. 3.
m. 8. n. 12.
A. D. 1236.

F. 435. n. 10.
21 H. 3.
A. D. 1237.

A. D. 1242.
Fol. 99v. n. 30.
and 997. n. 20.

Fol. 643. n. 30.
A. D. 1244.

A. D. 1253.
37 H. 3. Parf.
866m. n. 30.

A. D. 1267.

A. D. 1270.

A. D. 1235. He took two Marks of every Plough Land at the Marriage of *Isabel* his Sister to *Frederic* Emperour of *Germany*, and gave with her Thirty thousand Marks. *Quere*, Whether this was not the same which was granted *Pat. 20 H. 3. m. 8. n. 12.* That Tax was two Marks upon a Knights Fee. There was at the same time a Thirtieth of Moveables granted by the Bishops and Lay Great Men.

A. D. 1236. 21st of *Henry* the Third, he sent into *Ireland* to the Bishops and Great Men there, and propounded the Example of the Bishops and Great Lay-men of *England*, who had given him Scutage two Marks of every Knights Fee for the Marriage of his Sister to the Emperor of *Germany*, and a Thirtieth part of their Goods.

Scutage two Marks of every Fee granted by Arch-Bishops, Bishops, Abbats, Priors and other Ecclesiastical Persons, &c. 'Tis very probable, this was the same Scutage which was given for the Marriage of his Sister to the Emperor.

A. D. 1237. A Thirtieth part of all Moveables was granted to the King.

In the year 1242, about *Michaelmas* the King required Scutage three Marks of every Knight through all *England*. So *Paris*, but as others only twenty Shillings.

In a Council held at *London* three Weeks after *Candlemas*, twenty Shillings of every Knights Fee was granted to the King for the Marriage of his Eldest Daughter, one half to be paid at *Easter*, the other at *Michaelmas* following.

The Clergy grant the Tenth of Ecclesiastical Revenues for three years, and the Nobility or Knights three Marks of every Knights Fee, for the relief of the Holy Land, upon his Confirmation of *Magna Charta*.

Cart. 51 Hen. 3. m. 10. Cedula. Three years Tenths of all Church Revenues granted to the King by the Pope.

Cl. 54 Hen. 3. m. 11. Dors. A twentieth part granted to the King.

Ireland

Ireland and Irish Affairs.

King *Henry* by his Counsellors in the [1] first year of his Reign, (he being then but nine years old,) or by *William Marshall* his Governor, to gratifie the * *Irish* for their firm Loyalty, to his Father, and himself, Granted out of his special Grace, that they and their heirs for ever, should Enjoy the Liberties granted by them to the Kingdom of *England*, which were written and sent sealed thither, under the seals of the Popes Legat, and *William Earl Marshall*, the King then not * having a Seal of his own.

In the seventh year of his Reign, upon complaint made by the Citizens of *Dublin* against their [2] Arch-Bishop, (who was then the Kings Chief Justice,) for proceeding against the Laws and Customs of the Nation used in all places of *England*; and for his Usurpation upon the Rights of the Crown, against his Trust, and Duty, as Chief Justice, in drawing several causes, belonging to the Kings Temporal Courts, to his Ecclesiastical Courts, to Enlarge his Jurisdiction, to the Grievance and Dishonour of the King. There was a [3] writ sent to him to forbear such things for the future, or that he would be severely dealt with for such practises.

In the 11th. of his Reign [4] there was a Writ sent to *Geoffrey de Marisco* Justice of *Ireland* for observing the same Customs and Law there, for taking persons continuing Excommunicate by the space of forty days, upon the Arch-Bishops and Bishops Certificate by a *Capias Excommunicatum*, as was used in *England*.

In the 12th. of his Reign he wrote to [5] *Richard de Burgh* his Justiciary, to call together the Arch-Bishops, Bishops, Abbats, Priors, Earls, Barons, Knights and Freeholders, and his Officers in Every County, and cause the Charter of King *John* to be read before them, and then to injoyn them to the strict observation of the Laws contained in it.

In the 15th. year of his Reign about [6] *July*, an Irish King of *Conaught*, knowing, that the King, *William Marshall* and *Maurice Fitz-Gerald* were gone over into *France*, so that *Ireland* was left without any great force to Defend it, raised a mighty Army, or rather a great number of people, and entred into the Dominion of the English, spoyling and Burning the Country; The news whereof was brought to *Geoffrey de Marisco*, (then Deputy Justiciary), and he calling to his assistance, *Walter Lacy* and *Richard Burgh*, raised a considerable force, with which he fought and beat the *Irish*, killed twenty thousand of them, and took their King Prisoner.

In the 19th. of his Reign the [7] King issued a writ to *Maurice Fitz-Gerald* his Justiciary, for free Commerce and Trade, between his Subjects of both Nations, without Restraint.

R

The

[8] Cl. 26.
Hen. 3. m. 13.
Dors.
The Statutes
of Merton
concerning
Hollardry to B:
observed in
Ireland.
[9] Parli. f.
520, n. 40:
Cohcirs fe-
males how
they were to
hold in
Knights ser-
vice.

[1] Ibid.
f. 68, n. 20.
Maurice Fitz-
Gerald put
out of the
place of Just-
iciary.

[2] Append.
n. 228.
The Laws of
England to be
strictly obser-
ved in Ireland.

[3] Append.
n. 229.
Those Laws
not intended
for the Bene-
fit of the na-
tive Irish.

[4] Cl. 38.
Hen. 3. M. 9.
Dors.
The King
sends into Ire-
land for forces
to be brought
to him from
thence into
Gascony.

[5] Pat. 45.
Hen. 3. M. 5.
Prince Ed-
ward put out
of the Com-
mand of Ire-
land, by the
power of the
Barons.

The next year [8] he wrote to the Arch-Bishop of Dublin, and his Justiciary, for the Observation of the Statutes of Merton especially concerning Bastardy, and in a Case then depending before them.

In the 24th. of his [9] Reign the King sent instructions under his seal, how lands holden in Knights service that Descended to Sisters Cohcirs, should be divided, and how and by whom Homage should be done, and in what manner; and of whom the younger Sisters should hold according to the Statute of Ireland made the 14th. of his Reign.

In the 29th. of his Reign, the Welch putting King Henry to great Trouble, he intended wholly to destroy them, [1] and sent to Maurice Fitz-Gerald his Justiciary, to come to his assistance with forces out of Ireland, who not coming so soon as he was expected having a fair and prosperous wind, was put out of his place of Justice, and John Fitz-Geofry de Marisco substituted in his stead.

In the thirtieth of his Reign, he [2] directed a Writ to the Arch-Bishops and others in Ireland, that the Laws of England should be strictly observed in Ireland, as King John his Father had formerly commanded.

Yet notwithstanding this Command, this privilege of using the English laws in Ireland, was [3] never intended by King John or King Henry, that it should extend to all the native Irish, but only to the English Inhabitants, transplanted thither, or there born; and to such native Irish, as faithfully adhered to these Kings, and the English in Ireland, against the Irish, that complied not with them who were not to receive any Benefit by them.

The King in the 38th. year was in Gascoigne, and wanting Forces [4] sent his Writ to John Fitz-Geofry his Justice of Ireland, to come to him in person, with a good number of Men, if there were no danger of an insurrection in Ireland, otherwise to send Maurice Fitz-Gerald with the same force, and to borrow Money from the Popes Collector in Ireland for that affair, with his consent, to be repaid him at a certain day.

Prince Edward had the Kingdom of Ireland Committed to him for his support, with power to make, put in and out what Justices and other Officers he pleased; when the Barons were at Oxford and had made their provisions in the 42d. year of this Kings Reign, he [5] wrote to the Arch-Bishops, Bishops, Abbots, Priors, Barons, Knights, &c. That he heard his Son intended to make a new Justice there, and put his Castles into such hands, as it might be great Damage, and not without fear of their Disinheriting, and therefore Commands them not to be obedient, to any such Justice, Constables or Keepers of Castles, made or appointed without his Letters Patents by assent and advice of his Council.

After the same manner, he wrote to all Majors and Communities of

of Cities and Towns in Ireland, and to the Constables of Castles, and Commanded Alan Fousche his Justiciary not to obey, or give up his Authority to any new Justiciary or Constable that should come without his Letters Patents.

The King wrote to the [6] Arch-Bishop of Dublin, the Bishop of Meath his Treasurer; Walter de Burgh, and Maurice Fitz-Maurice Gerald, that he heard there was like to be great Dissension between the great Men of Ireland, and therefore ordered them to secure the peace of that Nation, and sent them further private instructions by Roger Walspail who carried these Letters, to whom he Commanded them to give credit.

This is all I find worth noting concerning Ireland, in this Kings Reign, who appointed Courageous Justiciaries, and other Officers, by whose industry, and by putting the English Laws in Execution, that Nation was kept in peace and quiet.

The Issue of King Henry the Third.

Edward his [1] Eldest Son, by Queen Alienor of Provence, who was King of England after his death, was born at Westminster upon the 16th of June 1239.

Edmund his Second Son by the same Queen, [2] born January 16th A. D. 1245. in the Thirtieth year of his Fathers Reign: He was Earl of Lancaster, Leicester, Derby, and Cambridg, Lord of Monmouth and Steward of England.

There are by some four more Sons named, but if he had them, they died young.

Margaret his [3] Eldest Daughter was Married to the King of Scots, Alexander the Second, a Child of nine years old.

Beatrice his Second Daughter, so named of her Grand-mother Beatrice Countess of Provence, was [4] born at Bourdeaux in Gascoigne on the 25th of June A. D. 1242. and was Married to John de Dreux Duke of Britain in France, and Earl of Richmond in England.

Katherine the Third Daughter was born [5] at London, on St. Katharines day, or the 25th of November A. D. 1253. and died at five years of Age.

F I N I S.

[6] Cl. 49.
Hen. 3.
m. 9 Dors.
The Kings
Writes to se-
veral great
men to secure
the Peace of
Ireland.

[1] Parli. f.
488. m. 30.

[2] Ibid. f.
654. n. 20.

[3] Pat. 36.
Hen. 3. m. 1.

[4] Parli. f.
544. n. 20.

[5] Ibid. f.
879. n. 10.

THE APPENDIX.

D E Sententiis Judicum.

CHART. XCIX.

V A U C O.

IN nomine Dei, cum resideret Willelmus vir. in lazar. * Robiam
Comes duceret ad campos in Mella publicos ad universos huius causas
audientes, vel res a iudiciis terminandas ibique veniens homo ali-
quis nomine Hrothelmus, proclamavit, eo quod in * Contradictu-
rum suum dandam ei collatum fuisset, quod ei advenit a parte uxoris
sue simul & Flavino & propriis suis fuisset, & legibus suum esse do-
beret, quin jam de Tradavio uxoris sue fuisset, & inde suum esse do-
beret. **C**um praeiisset Comes convocatis illa Testimonia, qui de ipso
Bago erant, interrogavit eos per ipsam fidem & Subramontum, quam
maestro Domino datum haberet, quicquid exinde scirent, veritatem dico-
rent. **A**s illi dixerunt, per ipsum Sacramentum quod Dominus nostro
datum habemus, scimus, quia suis quidam homo nomine Mado, qui ibi
habuit finem saltem proprium ejus consanguineus nos semper, quibus adjectis &
terminis ad ipsam Maotona unde iste pascuatur, in quo illo arborum ulvum,
& de introitu aqua lingit, & inter nos terminum est in petra, & in
arboribus, ipse est Dominus. **N**am sicut illa adificia adfuerunt conjungant,
istorum hominum proprium est, & ibi legibus esse debet de parte Avii
illorum Quinti. **I**am praedictus Comes jussit ut ipsa Testimonia se-
prius inter ipsos terminos assignarentur, quod dixerunt. **Q**uod ita & fe-
cerunt, & ipsi terminos firmaverunt, ipsi inquit illa dux Maotona ter-
minant. **S**ed & plerique ibidem adfuerunt Nobilibus, quibus ipse Comes cum
confluxerat, quod & omnia plenius assignarentur. **U**t dixerunt, ibi dixerunt
sunt interrogavit ipse Comes illos Robiam, quid illi de hoc causis iudi-
care voluissent. **A**s illi dixerunt, secundum istorum hominum testimo-
nium, & secundum nostram inquisitionem judicarent. **U**t sicut duxi-
sunt & finem est & terminis postea inter ipsos adfuerunt, ut ipse homines
illorum proprium habeant, absque ullius contradictione in perpetuum, &
quod in Domino distum, & terminis dixerunt, & am. & finem sunt, & acce-
perunt sit ad partem Domini nostri. **P**ropterea oppositum super Hrothel-
mo & Flavino cum Hrothelmus eorum interinde ab ipso Comite vel Scia-

N. 1.
Forma progre-
sus in iudicio.
Antiquitates
Alaman. Tom.
2. fol. 3.
* Rhetia was
toward the
foot of the
Alps.

* Contra Di-
redum, Con-
tra Drunum,
Contra Droth-
Gallot, &
Testimonia
Tus, &
monin Bar-
cons Gulin.
& dixerunt
& dixerunt
& dixerunt

aj 201
in vltis

A

binis

About the year of our Lord 807. in the Reign of Charles the Great.

binis tale Scriptum acciperent, qualiter in postmodum ipsam Mansiōem absque ullius contrarietate omni Tempore valeant possidere. Actum curte ad campos Mallo Publico Anno 7 Imperii Caroli Augusti & 37 regni ejus in Francia & 34 in Italia. Datum VII id. Feb. sub Ulfredo Comite feliciter. Amen.

Hec nomina Testum. Valeriano, Burgolfo, Ursone, Stefano, Majorino, Valerio, Leontio, Victore, Maurestone, Frontiano, Florentio, Stipfōne, Valentiano, Quintello, Stradario.

Et hac nomina Scabinorum. Flavino, Orscino, Odmaro, Alexandro, Eusebio, Maurentio, quam etiam & alii plurimis.

Ego itaque VAUCO rogatus Scripsi & Subscripsi.

All old Judgments, Processes, and Charts were drawn up in Barbarous Provincial Latin, without Congruity, Syntax, Propriety, or Elegancy.

The Process and Judgment is thus Englished.

N. 1.

IN the Name of God; when *Humsy* the Illustrious Person, Earl of *Rhetia*, in his Pavillion in the Fields, in a publick Mall or Court, sate to hear the Causes of all Men, or to determine according to right Judgment, there came a certain Man called *Hrothelm*, and complained, That against his Right, he had an Houle or Farm taken from him, which came to him by his Wife, and *Flavino*, and was properly his own, and by Law ought to be his, because he had it by Livery, or delivery of his Wife, therefore it ought to be his. Then the foresaid Earl, calling Witnesses or * Jurors that were of the very Country or Vicinage, he asked them by the Faith and Oath they had made to our Lord, that whatever they knew of this Matter, they should speak the truth. They said, By the very * Oath we have given to our Lord, we know, because there was a certain Man called *Mado*, who had there his proper Soil, the bounds whereof we know, because it adjoyns, and lies next to the very Houle or Farm claimed, upon which there was a great Tree, and one side was compassed with Water, and between them was a Boundary of Stones and Trees. * He is the Master, Lord, Owner, or Proprietor of it. For as those Buildings are joynd above, they are the Propriety of those Men, and ought to be theirs by the Law in right of their Grandfather *Quintus*. Then the foresaid Earl Commanded, That the Witnesses or Jurors should go upon the place, and shew the Bounds they mentioned; which they did, and fixed the Bounds which they saw between the two Houles or Farms; and there were many Noblemen there present, whom the Earl directed to go with them, which was also fully done. Soon as these things were ended, this Earl asked the Scabines or Assessors, what, on how they would Judge in this Case; They Replied, We Judge according to the Testimony of these Men, and your Inquisition; That as it hath been determined, and the Bounds fixed, between the two

* Witnesses or Jurors were the same in the old Feudal German Law, * This Oath was made to the Emperor, who is here meant by Dominus Noster.

* That is Hrothelm.

Habitations

Habitations or Farms, so those Men may have, or possess their Propriety for ever, without the contradiction of any Man; And what the Imperial Land was, or the Demeasns of the Empire, as it was divided by Bounds before Witnesses, let it be received, or possessed to the use of our Lord (that is the Emperor, or happily the Earl.) Wherefore it were fit for *Hrothelm*, and *Flavin*, with their Heirs, to have such a Writing concerning this Determination, either from the Earl or Scabines, as afterwards they may for ever possess the Houses or Farms without the Contrariety of any Man. Done at the Court in the Fields, in a publick Mall, or Convention for the dispatch of Controversies, in the Seventh year of the Empire of *Charles the August*, and the Thirty seventh of his Reign in France, and the Thirty fourth in Italy, Dated the Eighth day of February, happily, under *Pumphey* the Earl. Amen.

Charles the Great, about the year of our Lord 807

These are the Names of the Witnesses or Jury.

Valeriano, Burgolfo, Ursone, Stefano, Majorino, Valerio, Leontio, Victore, Maurestone, Frontiano, Florentio, Stipfōne, Valentiano, Quintello, Stradario.

And these the Names of the Scabines or Assessors with the Earl.

Flavino, Orscino, Odmaro, Alexandro, Eusebio, Maurentio, as also many others.

Therefore I VAUCO, having been Required to do it, have Written and subscribed this Judgment.

Charta W. Regis Primi de Restitutione ablatorum in Episcopatibus & Abbatibus totius Angliæ.

W. Dei Gratia Rex Anglorum: L. Archiepiscopo Cantuar. & G. Episcopo Constantiarum & R. Comiti de On, & R. filio Comiti Gil. & H. de Monte-Forti, suisque aliis Proceribus Regni Angliæ, salutem. Summonete Vicecomites meos ex meo præcepto, & ex parte mea eis dicite, ut reddant Episcopatibus meis, & Abbatibus totum Dominium, omnesque Dominicas terras, quas de Dominio Episcopatum meorum, & Abbatiarum, Episcopi mei, & Abbates eis, vel lenitate, vel timore vel cupiditate dederunt, vel habere consenserunt, vel ipsi violentia sua inde abstulerunt, & quod hactenus injuste possederunt de Dominio Ecclesiarum mearum. Et nisi reddiderint, sicut eos ex parte mea summonelitis, vos, ipsos velint nolint, constrangite reddere. Quod si quilibet alius vel aliquis vestrum quibus hanc justitiam imposui ejusdem querelæ fuerit, reddas similiter quod de Dominio Episcopatum, vel Abbatiarum mearum habuit, ne propter illud quod inde aliquis vestrum habebit, minus exerceat super meos Vicecomites, vel alios quicunque teneant Dominium Ecclesiarum mearum quod præcipio.

N. 2. In the Appendix to Somner's Gavelkind, p. 191.

The

*The Chart or Writ of King William the First for
the Restitution of such things as were taken away
from Bishopricks and Abbies.*

N. 2.

[1] Gul.
Phil. f. 187.
*He was Earl
of Brionia in
Normandy,
Ancestor of
the Earls of
Clare in Eng-
land.

William by the Grace of God King of the English. To Lan-
franc Archbishop of Canterbury, and Gosfrid, or Galsfrid
Bishop of Constance, and Robert Earl of On, and [1] Richard the Son
of Earl * Gilbert, and [1] Hugh Montfort, and to his other Great
Men of the Kingdom of England, Greeting. Summon ye my Sher-
iffs by my Precept, and on my behalf speak to them, or Command
them, That they restore to my Bishopricks and Abbies their whole
Demain, (or perhaps rather, all their Lordships) and all their De-
main Lands, which my Bishops and Abbats, by fear or easiness granted
away, and consented they should enjoy them; or that they by vi-
olence took away, and what they as yet unjustly possess, of the De-
main or Possessions of my Churches. And unless they restore them,
according as you shall on my behalf give them notice, you may then
constrain them to restore them, whether they will or not; and if any
other; or any of you, to whom I have committed the doing of Jus-
tice in this Matter, shall be obnoxious to the same Accusation or
Complaint, let him restore likewise the Possessions of my Bisho-
pricks and Abbies, left for that reason any of you do not execute
what I Command upon my Sheriffs, or prove remiss toward such
others as hold any Possessions, or Lands of my Churches.

Historia Ellen.
Pentecostorum
Gale. p. 87. a.

N. 3.

Willielmus Anglorum Rex Omnibus fidelibus suis & Vicecomitibus
in quorum Vicecomitatibus Abbatia de Heli terras habet, salutem. Pre-
cipio ut Abbatia habeat omnes consuetudines suas, scilicet Saccham &
Socham Toll & Team, & Infangathetoe, Hamlocha & Grithbrice
Fithwite, Ferdwite infra burgum & extra & omnes alias forisfacturas
que emendabiles sunt in terra sua super suos homines. Has inquam ha-
beat sicut habuit die qua Rex Edwardus fuit vivus & mortuus, &
sicut mea iussione dirationata sunt apud Kenelstord per plures Scyrras
ante meas Barones, videlicet Galsfridum Constantiensis Episcopi
& Baldewinum Abbatem & Abbatem alii, & Wilfridum Abbatem
& Ivonem Taillebois & Petrum de Valoniis & Picotum Vicecomi-
tem & Tichelum de Helium & Hugonem de Hofseng, & Gocelinum
de norwloo, & plures alios. Teste Rogero Bigor.

Ibid. p. 94. b.

N. 4.

* Ecclesie.

Willielmus Rex Anglorum Lanfranco Archiepiscopo & Rogerio Co-
miti Moritonie & Galsfrido Constantiensis Episcopo, salutem. Man-
do vobis & precipio ut iterum faciatis congregari omnes Scyrras que
intra fuerunt placito habito de terris * Ecclesie de Heli antequam
mea conjux in Normaniam novissime veniret, cum quibus etiam sunt de
Baronibus meis, qui temperanter adesse poterint & predicto placito in-
terfuerint & qui terras ejusdem Ecclesie tenent, Quibus in unum
congregatis eligantur plures de illis Anglis qui sciunt quomodo terre ite-
cebant prefate Ecclesie die qua Rex Edwardus obiit. Et quod inde
dixerint, ibidem jurando testentur. Quo facto restituantur Ecclesie
terras

terra que in Dominico suo erant die obitus Edwardi, exceptis his quas
homines clamabant me sibi dedisse. Illas vero literis mihi significate
que sint, & qui eas tenent. Qui autem tenent Theinlandes, que pro-
cul dubio debent teneri de Ecclesia, faciant concordiam cum Abbate quam
melioerint poterint. Et si noluerint terra remaneant ad Ecclesiam, Hic
quoque detinentibus Socam & Sacam fiat. Denique precipite ut illi
homines faciant pontem de Heli qui meo precepto & dispositione huc
usque illum soliti sunt facere.

Willielmus Rex Anglorum Galsfrido Episcopo & Roberto Comiti Mo-
ritonie, salutem. Facite simul venire omnes illos qui terras tenent
de dominico vicu Ecclesie de Heli. Et volo ut Ecclesia eas habeat sicut
habebat die qua Edwardus Rex fuit vivus & mortuus. Et si aliquis
dixerit, quod inde de meo dono aliquid habeat; Mandate mihi magni-
tudinem terre, & quomodo eam reclamat, & ego secundum quod audiero
aut ei inde escambitionem reddam, aut aliquid faciam. Facite etiam,
ut Abbas Symeon habeat omnes consuetudines que ad Abbatiam perti-
nebant, die quo Rex Edwardus fuit mortuus. Si illi qui eas habent
secum concordare noluerint, & ad istud placitum summonere Willielmum
de Guaregna & Richardum filium Comitis Gilberti & Hugonem de
Monte-Porti & Galsfridum de Magnavilla & Radulfum de Belfo &
Herveum Bituriensem, & Hardewinum de Escalers & alios quos Ab-
bas vobis nominabit.

Ibidem.
N. 5.

Willielmus Rex Anglorum Lanfranco Archiepiscopo & Galsfrido
Constantiensis Episcopo, salutem. Facite Abbatem de Heli relasiri
de istis terris, quas isti tenent Hugo de Monteforti unum Manerium
nomine Bercham, Richardus filius Comitis Gilleberti Brochesheue,
Picotus Vicecomes Epintonam, Hugo de Berneriis 3 hidam. Remi-
gius Episcopus 1 hidam. Episcopus Baiocensis 2 hidam, Frodo frater
Abbatis 1 Manerium, Duo carpentarii 1 hidam & 3 virg. Si ipse
Abbas poterit ostendere supradictas terras esse de dominico sue Eccle-
sie: Et si supradicti homines non poterint ostendere ut eas terras habui-
sent de dono meo. Facite etiam quod Abbas predictus habeat Sacam &
Socam & alias consuetudines, sicut Antecessor ejus habuit die qua Rex
Edwardus fuit vivus & mortuus.

Ibid. 94. b.
N. 6.

Willielmus Rex Anglorum Lanfranco Archiepiscopo Galsfrido Con-
stantino Episcopo & Roberto Comiti de Moritonio, salutem. Facite
Symeonem Abbatem habere Sacam & Socam suam, prout suus An-
tecessor habuit tempore Regis Edwardi, videlicet de quinque Hundret
de Suthfulch, & ab omnibus viris qui terras tenent in illis Hundrez.
Videte ne Abbas predictus quicquam injuste perdat, & facite ut omnia
sua cum magno honore teneat.

Ibidem.
N. 7.

Willielmus Rex Anglorum Lanfranco Archiepiscopo & G. Episco-
po & R. Comiti Moritonio, salutem. Defendite ne Remigius Episco-
pus novas consuetudines requirat infra Insulam de Heli. Nolo enim ut
ibi habeat nisi illud quod Antecessor ejus habebat tempore Regis Ed-
wardi, scilicet qua die ipse Rex mortuus est. Et si Remigius Episco-
pus inde placitare voluerit, placitet inde sicut fecisset tempore Regis
Edwardi, & placitum istud sit in vestra presentia. De custodia de
Norewic Abbatem Symeonem quietum esse dimittite; Sed ibi municio-
nem suam conduci faciat & custodiri, Facite remanere placitum de terris
quas

Ibidem.
N. 8.

quas calumniatur Willielmus de Ou, & Radulfus filius Gualeranni & Robertus Gernon; si inde placitare noluerint, sicut inde placitassent tempore Regis Edwardi, & sicut in eodem tempore Abbacia consuetudines suas habebat, volo ut eas omnino faciat habere, sicut Abbas per cartas suas, & per testes suos eas deplacitare poterit.

The Conquerors Charter of Liberties to the City of London, gronted to William Bishop of London: Given in the Saxon Language, but thus Englished.

Stowe, f. 535.
739, 740.
N. 9.

William King greeteth William Bishop, and Godfrey Portgrave, and all the Burgesles within London, French and English, and I grant that they be all Law-worthy, as they were in Edward's days the King; and I Will that each Child be his Fathers Heir, and I will not suffer that any Man do you wrong. And God you keep.

Doomesday

An Alphabetical Catalogue of the Names of all the great Tenents that held all the Lands, Towns, Maners, and Farms in England of William the Conqueror, mentioned in the Survey thereof, called Doomesday-Book.

Numb. 10.

A

B

C

D

E

F

A Archiepiscopus Cantuariensis.
Monachi ejus.

Abbatia de Berchinges.

Abbatissa de Eodem.

Abb. de Ely.

Abb. Sancti Edmundi.

Abb. de Bello.

Abb. Sancte Trinitat. de Cadomo.

Abbatissa de Eodem.

Abb. Sancti Adocni.

Abb. Sancti Benedicti Ramefi.

Abb. de Hulmo.

Abb. de Bernai.

Abbatissa de Ceterich.

Abb. Sancti Augustini.

Abb. de Gand.

Abb. Fiscamiensis.

Abb. Wintoniensis.

Abb. de Certes alias Certesig.

Abb. Sancti Wandregesli.

Abb. de Cruce Sancti Leutfredi.

Abb. Glocestrensis.

Abb. Gemeticensis.

Abb. Glasstonia.

Abb. Middletunensis.

Abb. de Grestam.

Abbatissa de Wincestre.

Abbatissa de Romefig.

Abbatissa Romefensis.

Abbatissa de Warweltes.

Abb. de Lire.

Abbatissa de Eodem.

Abb. Wiltunensis.

Abb. Abindoniensis.

Abb. Sancti Albani.

Abb. Sancti Petri super Divam.

Abbatissa de Ambresberie.

Abb. Malmesburienfis.

Abb. Creneburnensis.

Abbatissa Skefresberienfis.

Abb. de Cernel.

Abb. de Abbedesberie.

Abb. de Sancto Wallerico.

Abb. de Adelingi.

Abb. Sancte Trin. de Cantorberia.

Abb. de Hortune.

Abb. de Tavestoch.

Abbatissa de Monasterio villarum.

Abb. Sancte Trin. Rothomagi.

Abb. de Winthelcumbe.

Abb. de Pratekia.

Abb. Sancti Stephani de Cadomo.

Abbatia de Evefham.

Abb. de Perfore.

Abb. de Coventre.

Abb. de Cormelies.

Abb. de Eglesbam.

Abb. de Torni.

Abb. de Croyland.

Abb. de Burgh.

Abb. de Berton.

Abb. de Eborace.

Willielmus filius Ansculfi.

Willielmus Alifius.

Willielmus Arcuarius.

Willielmus filius Azor.

Goscelinus filius Azor.

Gilo frater Ansculfi.

Ainulphus Vicecomes.

Albertus.

Theodericus Anrifaber.

Roger. Arundel.

Robertus de Albamarle.

Ruald. Adobed.

Ainulphus.

Nigellus de Albinio.

Orso de Abator.

David de Argentoun.

Henricus filius Azor.

Robertus Albus.

Walterus de Aincourth.

B

Goufridus.

Gosfridus Alfelinus.
Osbernus de Arcis.
Odo Arbalistarius.
Norman de Adreici.
Ansgorus.
Edmundus filius Algoti.
Humfridus filius Alberici.
Aluredus.
Aldit.
Wilhelmus de Archis.
Alsi alias Elsi.
Rabellus Artifex.
Gislebertus Arbalistarius.
Bernardus Arbalistarius.
Radulfus Arbalistarius.
Robertus Arbalistarius.
Hugo Alabarle.
Bernardus Accipitrarius.
Ansgorus.
Eldricus Accipiter.
Adelina Uxor Hugonis.

B

Wilhelmus de Braiose.
Wilhelmus de Bertram.
Gislebertus de Breteville.
Hugo filius Baldrici.
Wilhelmus filius Balderon.
Wilhelmus Belet.
Rogerus de Berchelai.
Rogerus de Belmont.
Serlo de Berci.
Hugo de Boscherberti.
Rogerus de Bufl.
Robertus Bassard.
Aluredus Brito.
Nicholas Balistarius.
Robertus Blandus.
Radulfus Baignard.
Hugo de Bello-campo.
Gosfridus de Bech.
Gislebertus de Belvaco.
Maigno vel Maimo Brito.
Hugo de Bolebech.
Nigelus de Bereville.
Gozelinus Brito.
Urso de Berferes.
Radulfus de Berchelai.
Walterus Balistarius.

Humfridus de Barville.
Hugo de Berners.
Uxor Bosselini de Dive.
Robertus de Buci.
Drogo de Beuveria.
Willielmus Buenvalet.
Ogerius Brito.
Rainaldus de Balgatole.
Badulfus de Burun.
Rainerus de Bruemont.
alias Brunon.
Waldinus Brito.
Odo Balistarius.
Willielmus Blandus.
Heppo Balistarius.
Tibellus Brito.
Rogerus Bigotus.
Radulfus de Bello-sago.
Humfridus de Bohun.
Herveus Bituricensis.
Gislebertus Balistarius.
Radulfus Balistarius.
Rainaldus Brito.

Bezelinus.
Tedbaldus filius Bernerii.
Burgenses de Bedford.
Willielmus Buenwasteth.
Erneis de Burun.
Odoardus Balistarius.
Rainaldus Balistarius.
Regis Bedelli.

C

Canonici Sancti Pauli Lond.
Canonici de Waltham.
Canonici Sancti Martini Lond.
Canonici de Oxenford & alii Cleri.
Canonici Litanjenses.
Clericus Albertus.
Canonici de Twinham.
Canonici Constantiensis.
Clerici de Wrehaunt.
Canonici de Bedford.
Capellanus Ansgorus.
Canonici de Stadford & Handon.
Clericus Sanson.
Clerici Tenentes de Rege in Somersetsbire.

Canonici

A

B

C

D

E

F

Canonici Eboracenses.
Canonici Baiocenses.
Comes de Mellent.
Comes Eustachius.
Comes Willielmus de Ow.
Comes Moritonensis.
Comes Alanus.
A Comes Rogerus.
Comes Hugo.
Comes Ebroicensis.
Comes Albericus.
Comes Ivo Talbois.
Comes Albericus Northumb.
Comitissa Juditha.
Comitissa Godeva.
B Comitissa Alveva.
Comitissa de Albamarla.
Comitissa Bononiensis vel Boloniensis.
Albericus Capellanus.
Milo Crispin.
Humfridus Camerarius.
Turstinus Camerarius.
C Rainaldus filius Croc.
Gozelinus de Cormelies.
Gosfridus Camerarius filii Regis.
Robertus filii Corbionis vel Corber.
Willielmus de Calgi.
D Radulfus filius Comitum.
Rogerus de Currelles.
Rainaldus Canus vel Cannu.
Walterus de Clavile.
Willielmus filius Constantini.
Albericus de Coet.
Willielmus Chieuvre.
Giraldus Capellanus.
Sigar de Cioches.
E Willielmus Camerarius.
Christina.
Ansfidus de Cormelies.
Humfridus Cocus.
Willielmus de Cahanges.
Gunfridus de Cioches.
Gislebertus Cocus.
Wido de Credun.
F Gosfridus de Cambray.
Colsuaine.
Normannus Crassus.
Colegrin.
Herbertus Camerarius.
Carpentarii Regis.
Carbon alias Carbonet.

Walterus Cocus.
Angerus Cocus.
Hubertus de Canesio.
Colvin.
Chetelbern.
Chevvin.
Albertus Capellanus.

D

Walterus de Doai vel Doway.
Walscelinus de Duay vel Doway.
Robertus Dispensator.
Walterus Diaconus.
Herman de Drones.
Endo Dapifer.
David.
Haimo Dapifer.
Adam filius Durandi mala opera.
Godricus Dapifer.
Rogerus Deus salvet Dominas.
Galsfridus Diaconus.
Willielmus Diaconus.
Darman.
Radulfus Dapifer.

E

Archiepiscopus Eboracensis.
Episcopus Londinensis.
Episcopus Dunelmensis.
Lisfacensis.
Herefordensis.
Baiocensis.
Tedfordensis & Feudum ejusdem.
Episcopus Osbertus.
Rovensis vel Roscestrensis.
Episcopus Ebroicensis.
Cicestrensis.
Excestrensis.
Wintonensis.
Saresberiensis.
Constantiensis.

B 2

Wellensis

Wellensis.
 Cestrensis.
 Lincolnensis.
 de Wirecestre.
 Ecclesia de Lantbeige.
 Sancti Nicholai.
 Beccensis.
 de Bada.
 Miceleniensis.
 Sancti Petri Romæ.
 de Monteburg.
 de Buckfeth.
 Sancti Martini Rothom.
 de Monte Sancti Michaelis
 de periculo Maris.
 Aliquorum Sanctorum.
 Sancti Dionysii Parisiis.
 De Troar.
 De Lire.
 De Cirecester.
 Sancti Remigii Remensis.
 Adelingensis.
 De Cadomo Sancti Stephani.
 De Cadomo Sancta Trinitatis.
 De Glastringberie.
 De Skestesberie.
 De Tavestoke.
 De Hortune.
 De Crenburn.
 De la Bataigle.
 De Coventreu.
 Sancti Ebrulsi.
 De Cormelies.
 Sancti Guthlaci.
 De Glocester.
 De Westmonaster.
 De Pertore.
 De Evesham.

Several of these Churches, in
 divers Counties in *Doomsday-book*,
 are sometimes entered as Abbies,
 and sometimes as Churches, ac-
 cording to the fancy of the Clerks
 of the Commissioners that made
 the Survey, as *Abbatia de Coven-*
tre, *Abbatia de Perfore*, *Abbatia de*
Evesham, *Abbatia de Croyland*, in
 stead of *Ecclesia Sancti Guthlaci*, &c.

Richardus Esturmi.
 Elæredus.
 Swainus de Excesta.

Richardus filius Erfasti.
 Eudo filius Esperwic.
 Eldricus Accipitrarius.
 Edwardus.
 Baldwinus de Excestre.
 Harvoinus de Escalers.
 Rainaldus filius Archebaldi.
 Elfi alias Alfi.
 Edgar.
 Eldeva.
 Eddie alias Edith.
 Regis Elemosynarii.

F
 Rodo frater Abbatis,
 Radulfus } de Felgeres.
 Willielmus }
 Henricus de Ferrariis.
 alias Ferier.
 Willielmus de Falaise.
 Robertus Faston.
 Walterus Flandrensis.
 Willielmus Froisselen.
 Hugo Flandrensis.
 Richardus Forestarius.
 Baldwinus Flandrensis.
 Ranulfus Flammar.
 Robertus Flavus.
 Henricus de Felgeres.
 Hermar. de Ferrariis.
 Ad nullam Firmam pertinet.
 Fulcherus.

G
 R
 Ichardus filius Gisleberti Co-
 mitis.
 Robertus filius Geroldi.
 Durandus de Glocester.
 Walterus Giffart.
 Godefridus.
 Odo filius Gamelini.
 Godeballus.
 Gescelinus.
 Giraldu.

Robertus

Robertus Gernon alias Grenoi.
 Hugo de Grentmaison.
 Willielmus Goizimbodæ.
 Picotus de Grentbridge.

A
 Girbirtus.
 Gerinus.
 Gospatric.
 Hugo de Gurnay.
 Robertus filius Goberti.
 Godwinus.
 Grimbaldu.
 Berengarius Giffart.
 Gislebertus de Gand.
 Griffen.
 Gudmund.
 Grimus.
 Gonovinus.
 Osbernus Giffart.

H
 C
 H
 Aimo Vicecomes de Chent.
 Ernulfus de Hesding.
 Radulfus } filius Huberti.
 Eudo }
 Aluredus Hispaniensis.
 Hainricus vel Haimericus.
 Robertus Hostiarius.
 Radulfus filius Huberti.
 Willielmus Hostiarius.
 Hago vel Hugo.
 Tibellus Herion.
 Ilbodus frater Ernulfi de Hesding.
 Hachebarnus alias Hagebus.
 Radus filius Hugonis.

E
 Herman.
 Herveius.
 Enstachius de Huntedune.
 Drogo de Holderneffe.
 Godwinus Haldenus.
 Herbertus.
 Homines Domini Regis.
 Comitibus de Mellent.
 F
 Homines Archiepiscopi Eboracensis.
 Homines Episcopi Dunelmensis.
 Homines Archiepiscopi Cantuari-
 ensis.

R
 Ogerus de Iveri.
 Humfridus } de Insula.
 Radulfus }
 Iseldis.
 Ranulfus frater Igeris.
 Richardus de Ingania.
 Ilbodus.
 Isaacus.
 Rainaldus filius Ivonis.
 Waldinus Inganiaroy.
 Invasiones.

L
 W
 Willielmus Leves vel Le-
 veth.
 Rogerus de Luci.
 Hugo Lasne.
 Radulfus de Limescio.
 Roger. de Luri vel Leuri.
 Willielmus Luric.
 Richardus Legatus.
 Albertus Lothariensis.
 Aluredus de Lincolnia.
 Hugo de Luri vel Luci.
 Godelinus filius Lamberti.
 Godelinus Loremanus.
 Herveus Legatus.
 Lewena.
 Homines Liberi.

M
 H
 Hugo de Montfort.
 Gislefridus vel } de Magna villa.
 Gislefridus }
 Robertus Malet.
 Aluredus de Merlebergh.
 Radulfus de Mortemer.
 Willielmus filius Manne vel Magni.
 Gislefridus

Gosfridus Marefcallus.
Nigellus Medicus.
Robertus filius Murdrac.
Mathæus Mauritanienfis.
Willielmus de Moion.
Gosfridus vel } Mauldoit.
Humfridus }
Robertus Marefcall.
Turstinus Mantell.
Martinus.

Hascoit Musard.
Humfridus de Madehalle.
Rogerus de Mucelgras.
Durandus Malet.
Hubertus de Monte-Canitio.
Rogerus Marefcallus.
Modovinus.
Giroldus Marefcallus.
Willielmus de Maldwith alias Mau-
duit.
Maci de Moritania.
Willielmus de Momi.
Regina Mathildis.
Madoth Edric Elmer.
Regis Ministri.
Monachi de Scireburn & Winton.

N

Willielmus filius Normanni.
Nigellus perhaps Ni-
gellus Medicus.
Normannus.
Willielmus filius Nigelli.
Nicholas.

O

Walterus filius Otheri.
Gosfridus Ortale vel Orla-
teile.
Radulfus filius Osmundi.
Wido de Olgi.
Willielmus de Ostburvilla.

Robertus de Olgi.
Odo.
Ogerius.
Rogerus de Odburvilla.
Willielmus de Ovr.

P

Ranulfus Piperellus.
Hugo de Port } de Rege &
} de Episcopo Bai-
} censi.
Hubertus de Port.
Willielmus de Perri.
Bernardus Pancevolt.
Ricardus Punigiant alias Puniant.
Willielmus Feurel alias } Peverch.
} Piperell.

Walterus filius Ponz.
Drogo filius Ponz.
Ranulfus de Pomerei.
Radulfus Paganel.
Radulfus Pomerei.
Willielmus de Poilgi.
Hugo Pincerna.
Osbernus Piscator.
Walterus Pontz.
Erchinger Pistor.
Rogerus Pittavienfis.
Theodericus Pointell.
Radus Pinell.
Herbrandus de Ponte Adomari.
Erminius Presbyter.
Colebertus Presbyter.
Gislebertus Presbyter.
Reinbaldus Presbyter.
Godricus Presbyter.
Giraldus Presbyter de Wiltune.
Godwinus Presbyter.
Inichellus Presbyter.
Lewinus Presbyter.
Aluredus Presbyter.
Robertus Piscator.
Osbernus Presbyter.
Edmundus filius Pagani.
Regis Prefecti.

R

R

Gislebertus filius Richerii.
Turstinus filius Rolf.
Walter. filius Roger. de Pistes.
Herbertus filius Remigii.
Willielmus filius Richardi.
Robertus filius Rolf.
Goscelinus de Rivere.
Wido de Reinbodcworth.
Reinbaldus.
Heraldus filius Radulfi Comitiss.
Rogerus filius Radulfi.
Osbernus filius Ricardi.
Richardus.
Rainaldus.
Resoldus.
Robertus filius Roscelini.
Rogerus filius Reinardi.
Rohais Uxor Ricardi.
Raynerius.
Roger. de Ramis.

S

Edwardus de Sareberie.
Willielmus filius Stur.
Robertus de Stadford.
Radulfus filius Scifrid.
Hugolinus Stireman.
Ricardus Sturmie.
Willielmus de Scoies alias Scobies.
Osbernus de Salceid.
Hardevinus de Scalers.
Gislebertus filius Salomonis.
Willielmus Speck.
Walterus frater Sciberii.
Siboldus.
Nigellus de Stadford.
Saisselinus.
Hugo de Sancto Quintino.
Stanardus.
Starcolfus.
Swain.
Sortebrand.
Sanctus Stephanus de Cadamo.
Endo filius Spirwic.
Regis Servientes.

T

Henricus Thesaurarius.
Durandus Tonfor.
Radulfus de Todeneio.
Gislebertus filius Turolai.
Judabel de Todenais.
Robertus } de Todeneio.
Richardus }
Radus Tailebosch.
Berengarius de Todeini.
Turchillus.
Ilbertus filius Turolai.
Gislebertus Tifun.
Ivo } Tailebosch.
Willielmus }
Filla Radi Tailebosch.
Azelinea Uxor filius.
Azelina femina Eym.
Ricardus de Tunbridge.
Tovi.
Tonnus.
Ricardus filius Turolfi.
Oswaldus Theodericus.
Regis Taini.

V

Waleranus Venator.
Croc Venator.
Ainnfus Vicecomes.
Swain Vicecomes.
Haimo Vicecomes.
Baldewinus Vicecomes.
Durandus Vicecomes.
Humfridus vil. de Leci.
Albericus de Ver.
Petrus Valonienfis.
Bertram de Verdono.
Robertus de Veci vel Vesci.
Walterus Vernon.
Ulcherellus.
Ulmarius.
Uloeva.
Vinemarius.
Uxor Hugonis.
Uxor Rogeri de Luri.

Uxor

Uxor Radulfi Capellani.
Uxor Hervei de Helion.
Uxor Geri.
Willielmus de Perci.
Regis Valvasores.
Robertus de Verli.

Walterus de Sancto Walrico.
Aluredus Nepos Wigoti.
Johannes filius Walerani.
Willielmus.
Osbernus filius Walteri.
Winemar.
Goufridus de Wirce.
Turchillus de Warwice.
Robertus filius Willielmi.
Johannes Nepos Walerani.
Willielmus de Watevilla.
Walterius.
Odo de Wirecestre.

W

Willielmus de Warrenna.
Willielmus filius Widonis.
Ranulfus de Sancto Walrico.

For further satisfaction, any man may compare this Alphabetical Catalogue with the Catalogue of all the Tenents, of all the Towns, Parishes and Lands described in every County, as they are placed first in each County, and have their Titles in the Survey it self, according to their respective Number, whereby he will find, That these were all the Tenents in Capite, or that held in Serjanty of King William the First, and that they held all the Lands in England of him, by immediate, and others of them by mediate Tenure.

Charta

Charta Regis Willielmi Primi, qui fecernit placita Ecclesiastica à Causis Civilibus.

W. Dei Gratia Rex Anglorum R. Bainardo, & G. de Magna-villa, & P. de Valoines caterisque meis fidelibus de Essex & Hertfordshire, & de Middlesex, salutem. Sciatis vos omnes & cateri fideles mei, qui in Anglia manent, quod Episcopales leges, quæ non bene, nec secundum Sanctorum Canonum præcepta, usque ad mea tempora in regno Anglorum fuerint, Communi Concilio, & Concilio Archiepiscoporum, & Episcoporum & Abbatum & omnium Principum Regni mei, emendandas judicavi; propterea Mando & regia autoritate præcipio, ut nullus Episcopus vel Archidiaconus, de legibus Episcopalibus amplius in Hundret placita teneant: Nec causam, quæ ad regimen Animarum pertinet, ad iudicium Secularium hominum adducant: Sed quicumque secundum Leges Episcopales, de quacunque causâ vel culpâ interpellatus fuerit, ad locum quem ad hoc Episcopus elegerit, & nominaverit, veniat; ibique de causâ vel culpâ suâ respondeat, & non secundum Hundret, sed secundum Canones & Episcopales leges, & rectum Deo, & Episcopo suo faciat: Si vero aliquis per superbiam elatus, ad iustitiam Episcopalem venire contempserit & noluerit; vocetur semel, & secundo, & tertio. Quod si nec sic ad emendationem venerit, excommunicetur; & si opus fuerit ad hoc vindicandum, fortitudo & iusticia regis vel Vicecomitis adhibeatur: ille autem qui vocatus ad iustitiam Episcopi venire noluerit, pro unaquaque vocatione Legem Episcopalem emendabit: Hoc etiam defendo, & mea auctoritate interdico, ne nullus Vicecomes aut Præpositus seu Minister Regis, nec aliquis Laicus homo, de Legibus quæ ad Episcopum pertinent se intromittat: Nec aliquis laicus homo alium hominem, sine iusticia Episcopi ad iudicium adducat. Iudicium vero in nullo loco portetur nisi in Episcopali sede, aut in alio loco, quem Episcopus ad hoc construeret.

Willielmus Dei Gratia Rex Anglorum, tam Clericis, quam Laicis per Angliam constitutis, salutem. Notum sit vobis, me concessisse & confirmasse, assensu Lanfranci Archiepiscopi Cantuariensis, & Strigandi Episcopi Cicerstrensis; & Concilio etiam Episcoporum ac Baronum meorum, ut Ecclesia Sancti Martini de Bello, quam fundari ex voto ob victoriam quam mihi Deus in eodem loco consulit, libera sit & quicquid in perpetuum ab omni serviente, & omnibus quacunque humana Mens excogitare possit cum omnibus dignitatibus & consuetudinibus regalibus, quas ei regati auctoritate concessi, sicut Charta mea testantur. Volo itaque & firmiter præcipio, quatenus Ecclesia illa, cum Leugâ circumquaque adjacente, libera sit ab omni Dominatione; & Oppressionem Episcoporum, sicut illa quæ mihi coronam tribuit, & per quam viget Decus nostri regiminis. Nec liceat Episcopo Cicerstrensi, quamvis in illius Diocesi sit, in Ecclesia illâ, vel in Maneriis ad eam pertinentibus, ex consuetudine hospitari, contra voluntatem Abbatis, nec Ordinationes aliquas ibidem facere, nec Abbatiam in aliquo gravare, sed neque super illam Dominationem aliquam, aut vim vel potestatem exerceat, sed sicut Dominica mea Capellâ, liberam sit omnino ab omni exactione. Ad Synodum vero Abbas ire non sum-moneatur.

N. 11
Spelm. Cod.
vol. 2, fol.
A, D. 101

N. 12
Ibid. fol.

monetur, nec compellatur nisi propria voluntate pro aliquo negotio ire voluerit. Nec Monachos suos, ubi sibi opportunum viderit, ad sacros ordines promoveri facere prohibetur. Nec Altarium Sacrationes, Confirmationes, vel quaslibet Episcopales benedictiones Abbatis vel Monachorum requisitione à quolibet Episcopo ibidem libere fieri ab aliquo contradicatur. Hoc etiam regali autoritate, & Episcoporum & Baronum meorum attestazione constituo, quatenus Abbas Ecclesie sue, & Leuga circumiacentis per omnia Judex sit, & Dominus. Defuncto Abbate, de eadem Ecclesia Abbas eligatur, nisi forte (quod absit) ibidem idonea persona reperiri non possit. Hanc Constitutionem meam, si voto & regali autoritate confirmatam nullus successorum meorum violare vel imminuere presumat. Quicumque igitur contra libertates vel dignitates ejusdem Ecclesie fecerit, torisactura Regie Corona subiaceat. Hujus rei testes sunt Lanfrancus Archiepiscopus Cantuariensis, Stigandus Cicestrensis Episcopus, Walkelinus Episcopus Winton. Wulfstanus Wigorn. Episcopus. Qui omnes, me presente, & audiente horum preceptorum meorum, & constitutionum violatores perpetuo anathemate damnaverunt. Apud Winton.

Excellentissimo Sancte Ecclesie Pastori Gregorio, gratia Dei Anglorum Rex & Dux Normannorum Willielmus, salutem, cum amicitia. Hubertus Legatus tuus, Religiose Pater, ad me veniens ex tua parte me admonuit, quatenus tibi & successoribus tuis fidelitatem facerem, & de pecunia quam Antecessores mei ad Romanam Ecclesiam mittere solebant melius cogitarem. Unum admisi, alterum non admisi; Fidelitatem facere nolui, nec volo; quia nec ego promisi, nec Antecessores meos Antecessoribus tuis id fecisse, comperio: Pecunia tribus ferme annis in Galliis me agente, negligenter collecta est. Nunc vero Divina misericordia me in Regnum meum reverso quod Collectum est per prefatum Legatum mittitur. Et quod reliquum est per Legatos Lanfranci Archiepiscopi fidelis nostri cum opportunum fuerit, transmittitur. Orate pro nobis & pro statu regni nostri, quia Antecessores vestros dileximus, & vos prae omnibus sincere diligere & obedientes audire desideramus.

Lanfrancus Gratia Dei Archiepiscopus, dilectissimo Fratri Stigando, Cicestrensi Episcopo, salutem. Clerici villarum nostrarum qui in vestra Dioecesi existunt quasi nobis sunt, quod vestri Archidiaconi reperti occasionibus, pecunias ab eis exquirunt & à quibusdam jam acceperunt. Meminisse debet fraternitas vestra quia contra morem Antecessorum nostrorum, & vestrorum vobis concessimus, eisque imperavimus quatenus ad vestras Synodos irent, & ea quae ad Christianae Religionis notitiam prodesse possunt sine interpellatione vel discussione aliqua à vobis audirent. Si quae in ipsis culpis invenirentur, suspensa interim vindicta, ad nostrum examen servarentur, & nobis vel in miserando vel in ulciscendo, sicut semper consuetudo fuit, obnoxii tenerentur. Mandavimus itaque vobis, ut male accepta sine dilatione reddi jubeatis & Ministris vestris ne ulterius id presumant, servandae Caritatis studio prohibeatis. Nos vero Presbyteris nostris qui extra Cantiam constituti sunt omnino praecipimus ne ad vestram vel alicujus Episcopi Synodum amplius eant, nec vobis nec aliquibus ministris vestris pro quolibet culpa respondeant. Nos enim cum ad Villas nostras venerimus quales ipsi, vel in moribus, vel in sui Ordinis scientia sint, pastoralis auctoritate vestigare debemus. Christum tamen à vobis accipiant & ea quae anti-

Selden. Not.
in Eadmer,
f. 164.

N. 13.

Eadm. Hylor.

Nov. f. 12.

N. 14.

quitus instituta sunt, in Christum acceptione persolvant, sicut namque ea quae antiquitus usque ad nostra Tempora, Antecessores nostri habuerunt, solerti vigilantia cupimus illibata custodire, ita aliis debita aliqua, quod absit, usurpatione denegare nolumus.

The Ecclesiastical Constitutions made in Normandy, Anno Domini 1080. Order. Vital. fol. 552, &c.

Anno ab incarnatione domini 1080. Rex Guillelmus in festo Pentecostes apud Illebonam resedit, ibique Guillelmum Archiepiscopum & omnes Episcopos & Abbates Comitescque, cum aliis proceribus Normanniae simul adesse precepit. Ut Rex iussu factum est. Igitur octavo anno Papatus domini Gregorii Papae 7 Celebre Concilium apud Illam-bonam celebratum est. Et de Statu Ecclesie Dei totiusque regni providentia Regis cum Baronum suorum consilio utiliter Tractatum est. Statuta vero concilii, sicut ab his qui interfuerunt veraciter annotata sunt, volo hic inferere; ut posterius discant, quales in Normannia leges fuerunt sub Guillelmo Rege.

Pax Dei (qua vulgo trebia dicitur) sicut ipse Princeps Guillelmus eam in initio constituerat, firmiter teneatur, & per singulas Parochias, dictis Excommunicationibus renovetur. Qui vero servare contempserint, vel aliquatenus frigerint, Episcopi secundum quod prius Statutum est eos iudicando iustitiam faciant. Si quis vero Episcopo suo inobediens fuerit, domino in visus terra habitet, Episcopus hoc demonstret, & ille subdat eum Episcopali iustitia. Quod si & dominus facere contempserit, Regis Vicecomes, per Episcopum inde requisitus, omni remoti à excusatione faciat.

De his, qui de parentela sua uxores tenent, vel uxores parentum suorum, Episcopi Canoniam iustitiam exequantur. Rex enim inde nullum sustinet vel tueretur. Sed potius Episcopos adiuvando admonet, ut lex dei firmiter teneatur.

Presbyteri, Diaconi, Subdiaconi, & omnes Canonici, & Decani nullam omnino feminam habeant. Quod si aliquis post eandem culpam visus fuerit incurrisse, si per ministros Episcopi inde prior fuerit accusatus, in curia Episcopi se purgabit. Si vero parochianorum vel minorum suorum aliquis, cum prius accusaverit, habeat accusatus inducias ut cum Episcopo possit loqui: & si se purgare voluerit, in eadem parochia cui servit presentibus parochianis pluribus, ante Episcopi ministros, & eorum iudicio se purgabit. Si vero purgare se non potuerit Ecclesiam perdet irreceperabiliter. Hoc praedictus Rex Statuit, non perenniter Episcopis suis auferendo debitam iustitiam; Sed quia Episcopi eo tempore, minus quam convenisset inde fecerant, donec ipse eorum videns emendationem, eis redderet pro beneficio, quod tunc de manu eorum temporaliter tulerat pro commissio.

Nullus laicus in redditibus altaris, vel in Sepultura, vel in tertius parte decimae aliquid habeat; nec pecuniam per horum venditionem aliquatenus habeat, nec Presbyter inde servitium faciat, nisi legationem domini sui portet. Ita ut in eadem die ad servitium Ecclesiae revertatur.

Et ad orationes (per Normanniam solummodo) victum domini sui habens, si dominus voluerit, secum vadat: Servitium Ecclesie Presbyter interim curet.

Presbyteri ab Episcopis vel ab eorum ministris, prater justos redditus Episcopi, vi vel minis dare nihil cogantur, propter eorum feminas nulla pecunia emendatio exigatur.

Archidiaconi per Archidiaconatus suos semel in anno Presbyterorum suffraganeorum suorum vestimenta, & calices & libros videant: designatis ab Episcopo in inuouoque Archidiaconatu solummodo tribus locis, ubi vicini Presbyteri ad hac monstranda convocentur.

Quando Archidiaconus ad hac videnda venerit, a Presbyteris qui conveniunt triduo, si Expedi, victum sibi habeat.

Si Presbyter forisfacturam fecerit de forestis Regis, vel Baronum ejus, nullam inde emendationem habebit Episcopus.

Presbyteri semel in anno circa Pentecosten cum processionibus suis ad matrem Ecclesiam veniant, & de singulis domibus cere denerat, vel idem valens ad illuminandam Ecclesiam altari offeratur. Quod qui facere noluerit, a Presbytero suo per ministerium suum cogatur hoc solvere, sine emendatione pecunie.

Laicus Presbyterum non det, vel adimat Ecclesie, nisi ex consensu Presulis. Quem tamen, si recipiendus est, Episcopus non repellat, & si repellendus est, non retineat.

In Cimiteriis Ecclesiarum, quae in Civitatibus, vel Castellis, vel Burgis sunt, quicquid Episcopi tempore Robberti Comitis vel Guillelmi Regis ejus consensu habuerunt, Episcopi rehaeant.

In Cimiteriis vero quae in marchis, si guerra fuerit, & aliqui ad habitandam ibi faciant mansionem, dum guerra duraverit, & ipsi propter guerram in atrio manserint, nullam forisfacturam, ab eis Episcopus habebit, nisi quam habuisset antequam ad atrium confugissent. Cum autem pax facta fuerit, qui propter guerram illuc confugerant, de atrio exire cogantur, aut Episcopatus legibus supponantur. Qui vero in praedictis Cimiteriis antiquitus manserunt, in antiqua quietudine permanent.

*Ecclesie villarum quantum Cimiteriis tempore Robberti Comitis habuerunt, vel usque ad illud supra scriptum Concilium habuerunt, tantum habeant: & in eis illas consuetudines habeant Episcopi, quas tempore Robberti comitis vel Guillelmi Regis ejus consensu habuerunt, nisi Episcopi concedente Rege Guillelmo aliquam * consuetudinem fecerint.*

* i.e. Legem.

Si post concilium aliqua nova sit Ecclesia intra villam, faciat Episcopus Cimiterium, consideratione dominorum, & parochianorum ejusdem Ecclesie, si vero extra villam nova sit Ecclesia, undique habebit quinque perticas cimiterii.

Si

Si monachis donatur Ecclesia, Presbyter qui eandem tenet Ecclesiam honorifice teneat quicquid de eadem Ecclesia habuit, antequam monachi eam haberent; & tanto melius quanto sanctioribus associatur hominibus. Eo autem mortuo vel aliquatenus deficiente, Abbas idoneum Presbyterum quarat, & Episcopo eum vel per se, vel nuntium suum ostendat. Quem si recipiendus est, Episcopus recipiat. Si vero Presbyter cum monacho religiose vivere voluit: videat ut Ecclesia, quam Episcopali licentia intravit, honeste tractetur, tam in vestimentis quam libris, & ceteris Ecclesie servienda necessariis, secundum ejusdem facultatem Ecclesie. Quod si Presbyter cum monacho vivere noluerit, tantum det ei Abbas de bonis Ecclesie, unde & bene vivere, & Ecclesie servitium convenienter valeat Presbyter adimplere. Quod si Abbas facere noluerit, ab Episcopo convenienter cogatur, ut faciat. Presbyter vero Episcopo suo juste subditus sit, Episcopales redditus persolvat, quae vero superabundant, in usus monasterii sui Abbas habeat. Hoc idem in Ecclesiis Canoniarum observetur.

Violatio Ecclesie & atrii sicut superius determinatum est, & commissis pro quibus divinum officium remanet, Episcopis per pecuniam emendetur. Assultus in Ecclesia itinere similiter.

Si quis iratus persequitur alium in atrium vel in Ecclesiam, similiter.

Si laicus arat vel aedificat in atrio, sine licentia Pontificali, similiter.

Si Clericus raptum fecerit, vel furtum, vel aliquem percusserit, aut vulneraverit, aut occiderit: Si duellam sine licentia Episcopi, suscepit; aut namium ceperit, aut assultum fecerit, aut aliquid injuste saiserit, aut incendium fecerit: aut manupastus ejus, aut habitator atrii, similiter.

Si Clericus Adulterium fecerit, aut incestum, similiter.

Si Presbyter de ministerio suo forisfecerit, similiter.

Presbyteri qui ad Synodum venire neglexerint, similiter.

Et qui Synodum & circadam Statutis terminis non reddiderit, similiter.

Si Clericus Coronam suam dimiserit, similiter.

Si Monachus vel Monacha, qui sunt sine regula, habitum suum dimiserint, similiter.

Si Presbyteri, prater Trevix dei infractores, & latrones, sine licentia Episcopi Excommunicaverint, similiter.

Si erraticam habere (quod vulgo dicitur vueridif) in curiam sacerdotis, vel Clerici, qui in atrio manent, venerit, vel in Eleemosynam ejusdem Ecclesie, vel in atrium Episcopi erit. Si quid per contentionem in domo Presbyteri, vel Clerici, vel in atrio sacerdoti vel Clerico, vel eorum manupasto relictum fuerit, Episcopi erit.

Si

Si quis Presbyterum, aut Monachum, aut Monacham assallierit, aut percusserit, aut ceperit, aut occiderit, aut domos eorum in atrio incendierit, similiter emendabit, si quid in Ecclesia vel in atrio inveniat, vel relinquantur, Episcopi erit. Si quis adulterium, vel incestum fecerit, vel cum matrina, vel cum matre, vel filiola coierit, similiter. Si mulier hoc idem fecerit, similiter. Qui mortuos consulunt suum sine iudicio presulis reliquerit, similiter. Qui mortuos consulunt vel maleficia tractant, similiter. Qui intentum sibi crimen inficiant, vel negant, ferri iudicio convincitur (excepta dei trevia) similiter. Qui iustitia resistens excommunicari se patitur, similiter. Parochianorum crimina Episcopo pertinentia ubi consuetudo fuit, Episcoporum iudicio examinentur.

Si contradictio iudicationis facta fuerit, ante Episcopum definiatur.

Si ferri iudicium fuerit iudicatum, ante matrem Ecclesiam terminetur.

Si plana lex erit facienda, ibi fiat ubi placitum prius fuit.

In Parochia Episcopi sine licentia ejus, nullus audeat predicare.

Qui in praedictis culpas incidit si sponte ad penitentiam venit, penitentia ei pro qualitate criminis iungatur, & pecunia nullatenus Exigatur.

Si laicus raptum in atrio fecerit, Episcopo emendabit, si vero alibi fecerit, quocunque modo faciat, Episcopus nihil habebit.

Has consuetudines habeant Episcopi in illis locis, in quibus eis tempore Roberti Comitis vel Guillelmi Regis ejus concessione habentur habuerunt. Qua vero quies fuerunt, eam quietudinem habeant, quam huc usque solide tenuerunt in his omnibus, iustitiis & consuetudinibus Rex sibi retinet quod huc usque habuit.

Si Presbyter domini sui iudicio contradixerit de Ecclesiastica causa, & eum in curiam Episcopi cundo injuste fatigari fecerit, domini suo solidos emendabit.

Si Episcopi aliquid quod non sit hic Scriptum, in Regia Curia, monstrare possunt, se habuisse tempore Roberti Comitis, vel Guillelmi Regis, ejus concessione. Rex eis non tollit, quin habeant: tantummodo illud nullatenus satisfiant: donec in Curia ejus monstrant quod habere debeant, similiter & laicis propter hoc scriptum, Rex nil tollit, quod in Curia ejus monstrare possint Episcopus non debere habere: tantummodo Episcopus inde non dissolvant, donec in Curia Regis monstratum sit, quod Episcopi inde habere non debeant.

Anselmo Dei Gratia Anglorum Archiepiscopo, Clerus & Populus Optati Wataferdiz cum Rege Murchertacho & Episcopo Doinaldo, salutem in Domino. Pater Sancte, cecitas ignorantie nos diu detrimenta salutis nostrae sustinere coegit, quod magis eligimus serviliter Dominico iugo colla subtrahere, quam liberaliter pastoralis obedientie subesse. Nunc animum quantum proficiat pastorum causa, Agnovimus, cum aliarum rerum simili-

similitudines ad mentem revocamus, quia sine regimine, nec exercitus Bellum, nec navis marinum audent attemptare pericula. Navicula ergo nostra Mundanis aedita fluctibus sine pastore contra callidum hostem, quare ratione pugnabit? Propterea nos & Rex noster Murchertachus & Episcopus Doinaldus, & Dermerh Dux noster frater Regis eligimus hunc Presbyterum Malchum Walkelini Wintoniensis Episcopi Monachum, nobis sufficientissime cognitum, natalibus & moribus nobilem, Apostolica & Ecclesie Disciplina imbutum, fide Catholica prudentem, moribus temperatum, vitam castam, sobriam, humilem, asabilem, misericordem, literatum, Hospitalem, suae domui bene propositum, non neophytum, habentem testimonium bonum in gradibus singulis. Hunc nobis petimus a vestra paternitate Ordinari Pontificem, quatenus regulariter nobis praesse valeat & prodesse, & vos sub ejus regimine salubriter Domino militare possimus. Ut autem omnium nostrorum vota in hanc electionem convenire noscatis, hinc decreto canonico promptissima voluntate singuli Manibus propriis roborantes subscripsimus.

Ego Murchertachus Rex Hiberniae subscripsi. Ego Dermerh Dux frater Regis subscripsi. Ego Doinaldus Episcopus S. S. Ego Malchus Episcopus Mida S. S. Ego Samuel Dunelmensis Episcopus S. S. Ego Ferdinachus Laginensium Episcopus S. S. Subscriperunt hiis multis plures, quos nos brevitate studens notare non necessarium duximus.

Ipse quoque Rex faciebat quaedam, quae facienda non videbantur, in Ecclesia, quas post obitum Praetorum aliter quam oportere tractaret. Me etiam, & Ecclesiam Cantuariensem multis modis gravabat. Terribis namque ipsius Ecclesiae, quas post mortem Archiepiscopi Lanfranci, cum in manu sua Archiepiscopatum teneret, militibus suis dederat, mihi sicut eas idem Archiepiscopus tenebat non reddebat, sed insuper alias secundum libitum suum, me Nolente dedit. Servitia gravia & Antecessoribus meis iniuncta ultra quam ferre possem aut pati deberem a me exigebat. Eadem autem Dei, & Canonicas & Apostolicas auctoritates, voluntaria consuetudinibus obrui videbam. De his omnibus cum loquebar, nihil efficiebam, & non tam simplex Reversio quam voluntaria consuetudines obtendebantur. Sciens igitur quod si haec ita usque in finem tolerarem, in damnationem animae meae successoribus meis tam pravam consuetudinem confirmarem, nec de his placitare poteram (nullus enim aut consilium aut auxilium mihi ad haec audebat dare) petii a Rege licentiam ad eundem vestram Paternitatem, quatenus illi & cordis mei angustias ostenderem, & deinde ejus consilio & auxilio, quod salubrius esset animae meae agerem. Quod de reiratus petiit ut de huius licentiae petitione quasi de gravi offensa illi satisfacere, & securum illum facerem, me deinceps nullo modo requisitum, pro aliqua necessitate, Apostolicum, nec saltem inde locutum, aut si unquam hoc facturus eram, in presenti hoc facerem. Sic itaque mare transi causa ad vos veniendi. Quod sicut dixi facere non possum. Quoniam aut impossibile est me huiusmodi vita concordare aut animam meam in tali Episcopatu salvam, tum propter rerum quas dixi qualitates, tum propter meas multimodas & sensus, & morum, & naturae, & etatis imbecillitates; Haec est summa supplicationis meae propter quam ad vos ire volebam, ut sicut Deum animae meae, & animam meam Deo desideratis, per paternam & Apostolicam pietatem, qua Cor vestrum inhabitat, animam meam de vinculo tantae servitutis absolvas eique liberatam serviendi Deo in tranquillitate reddatis, ne abundantiore tristitia sicut jam nimis passa est absorbeat, & de dolore temporali ad aeternum pertra-

pertrahatur; deinde ut Ecclesiæ Anglorum secundum prudentiam, & auctoritatem Apostolatus vestri consulatis. Omnipotens Dominus vestram sanctitatem Nobis in sua gratiæ prosperitate diu seruet inuicem, & conterat Sathanam, & portas inferi sub pedibus vestris. Amen.

Edm. III.
f. 59. n. 40.
N. 18.

Paschalis Episcopus servus servorum Dei, Dilecto filio Henrico Regi Anglorum, salutem, & Apostolicam Benedictionem. Legationis tue verba fili Charissime gratanter accepimus, sed vellemus obedientiam promittentis. In quibus nimirum Sancta Romana Ecclesia illa in tuo regno pollicebatur, quæ tempore tui Patris habuerat, eos requirens honores quos Antecessorum nostrorum tempore Pater tuus habuerat. Quæ profecto omnia grata in superficie viderentur, interius requisita & Legati tui vocibus exposita, gravia & vehementissima paruerunt. Quærebant enim ut tibi Episcoporum, Abbatumque per Investituram constituendorum jus & facultas à Romana indulgeretur Ecclesia, & quod per se solum fieri omnipotens Dominus perhibet, hoc Regiæ potestatis fieret. Ait enim Dominus. Ego sum ostium; Per me si quis introierit, salvabitur. Cum autem Ecclesiæ ostium Reges esse arrogant, sit profecto ut qui per eos Ecclesiam ingrediuntur, non pastores sed fures & latrones habeantur, eodem Domino dicente. Qui non intrat per ostium in ovile ovium sed ascendit aliunde, fur est & latro. Et quidem si à nobis magnum aliquid tua dilectio postularet, quod cum Deo, cum Iustitia, cum nostri Ordinis salute concedi posset, graviter utique concederemus. Hoc vero tam grave, tam indignum est, ut nulla ratione Catholica id admittat Ecclesia. Facilius ad extrema qualibet beatus Ambrosius cogi potuit quam Imperatori Ecclesiæ permittere potestatem. Respondit enim. Noli gravare te Imperator, ut putes mea quæ divina sunt, imperiale aliquod jus habere. Noli te extollere, sed si vis diutius imperare, esto Dei subditus. Scriptum est, Quæ Dei Deo, quæ Cæsaris Cæsari. Ad Imperatorem Palatia pertinent, ad Sacerdotem Ecclesiæ, Publicorum tibi manum est commissum est, non sacrorum. Quid tibi cum Adultera? Adultera est enim quæ non est legitimo conjugio copulata. Audis, ô Rex, adulteram Ecclesiam nuncupari quæ non legitime nupsit. Ecclesiæ siquidem sponsus unusquisque estimatur Episcopus juxta Scripturam illam quæ ex fratribus uxore frater non sui nominis filios suscitare præcipitur, & sponsa contemptor à futuro sponso discalciari mandatur. Vides igitur, ô Rex, quam ignominiosum, quam periculosum sit per filios suos matrem adulterio pollui! Si ergo Ecclesiæ filius es, quod utique omnis Catholicus Christianus est, permittit matri tuæ legitimum sortiri conjugium, ut non per hominem sed per Deum & hominem Christum legitimo sponso copuletur Ecclesiæ. Per Deum enim Episcopos eligi, cum canonicè eliguntur, testatur Apostolus Paulus, dicens, Nec quisquam sumit sibi honorem sed qui vocatur à Deo, tanquam Aaron. Et beatus Ambrosius. Merito, inquit, creditur quod divino esset electus iudicio, quem omnes postulare vissent. Et post pauca. Ubi universorum postulatio congruit, audire nos non oportet ibi Dominum Jesum & voluntatis Auctorem, & petitionis Arbitrum fore, & ordinationis Præsulem, & Largitorem gratiæ. Præterea Propheta David ad Ecclesiam loquens ait. Propatribus tuis nati sunt tibi filii, constitues eos Principes super omnem terram. Ecclesiæ filios genuit. Ecclesiæ Principes statuit. Possimus alia de scripturis sacris testimonia & exempla proponere, quibus constaret Ecclesiæ sponso ac pastores Episcopos non secularium potestatem nullam, sed Christi

Christi dispositione & Ecclesiæ indicio præponendos. Unde etiam Imperator Justinianus sanxit in legibus sic. Debet enim prius discipulari de vita Episcopi utrum bona sit, an reprehensibilis, & utrum boni testimonii muniat, an non. Et infra. Fiat, inquit, facultas unicuique si velit contradicere. Et siquidem ante consecrationem fuerit contradictio facta, non prius consecratur Episcopus, nisi discipulatio de contradictione sit facta, ut undique appareat innoxius is qui ad Episcopatum vocatur. Ecce quod Populi totum esse, pronunciat Imperator, hoc sui solius esse, Regia potestas incescit. Ipsius etiam Imperatoris lege tantum est ut nec profectio, nec ingressus ad Imperatorem, sine Metropolitani literis, pateret Episcopo. Quem ergo in Curia tua sine Metropolitani literis admittere non debes, cum vis, ô Rex, in Ecclesia principem constituere? Monstruosum profecto est, ut Patrem filius generare, homo Deum creare debeat, Sacerdotes namque in Scripturis Sanctis Deos vocari tanquam Dei vicarios manifestum est. Unde sanctæ memoriæ Constantinus Imperator de Episcoporum causis discipulare ausus non fuisse describitur. Propter hoc sancta Romana Ecclesiæ & Apostolicæ per Prædecessores nostros Regiæ Usurpationi, & investituræ abominabili vivaciter obviare curavit, & gravissimis persecutionibus per Tyrannos affecta, usque ad tempora nostra non destitit. Confidimus autem in Domino, quoniam nec in nobis confidentiæ suæ virtutem, Ecclesiæ Princeps Petrus & Episcoporum primus amittet. Porro secularium Potestatum & Regum in Ecclesiæ quod sit officium, exponit Apostolus Paulus dicens. Dei enim Minister est tibi in bonum. Non enim sine causa gladium portat, Dei enim Minister est vindex in ira ei qui male agit. Et Petrus Apostolus in eadem verba consentiens, siue Regi, ait, quasi præcellenti, siue Ducibus tanquam ab eo missi ad vindictam malefactorum, laudem vero bonorum. Inter ista, Rex, nullius tibi persuasio profana snrripiat, quasi aut potestati tuæ aliquid diminueret, aut Nos, in Episcoporum promotione aliquid Nobis velimus amplius vendicare. Immo si ab hoc propter Deum desistas, quod contra Deum esse manifestum est, quod cum Deo, nec tu exercere, nec Nos concedere aut cum nostra seu tua salute possumus, quicquid deinceps postulaveris, quod cum Deo possumus, libentius indulgebimus; & honori tuo, & sublimationi, propensius insistemus. Nec existimes quod potestatis tuæ columnen infirmetur, si ab hac profana usurpatione desistas. Immo tunc validius, tunc robustius, tunc honorabilius regnabis, cum in regno tuo divina regnabit auctoritas. Tunc amicitiam & familiaritatem nostram firmitus obtinebis, & regni tutores beatos Apostolos habere gaudebis. Nec tibi nunc in petitionibus tuis abesse poterimus, cui petitionum nostrarum fautorem Dominum adesse scripsimus. Ipse omnipotens Deus in cuius manu corda sunt Regum, assit hortatui nostro, assit auditui tuo, ut dum juxta præcepta ejus tuas disposueris actiones, ipse regnum tuum pacis & honoris sui stabilitate ac sublimatione disponat. Amen.

Paschalis Episcopus servus servorum Dei, charissimo filio Henrico Regi Anglorum, salutem, & Apostolicam benedictionem. Regi Regum Domino gratias agimus, qui te in regnum beneplacito suæ voluntatis eiecit, & tanquam Christianum Regem in beneplacito suæ voluntatis ineffabili misericordia custodivit. Rogamus ergo ut bona regni tui exordia in melius augeat, & usque in finem suæ in te dona custodiat. Deservisti enim fratris tui Regis impietatem, quam divino conspiciis iudicio terribiliter vindictam Ecclesiis libertati restituisse, Clerum honorare cepisti, & Cleri Principes Episcopos immo in his Christum Dominum

Edm. f.
fol. 61. n.
No 19.

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Investitures of
Churches taken
away
from Kings,
Princes, and
all Laicks by
the Pope.

Eadm. Hist.
fol. 67. N. 30.
No 20.

veniri. Consideremus itaque quoniam usque in finem eadem sapies & in eadem probitate persistes nisi sunt aliqui perversæ mentis homines qui cor Regum per Episcoporum & Abbatum Investituras Divinæ indignationi aptare conantur. Quorum in hac parte consilia tanquam virus tibi sunt evitanda, ne illum offendas per quem Reges regnant, & potentes iusta decernunt. Quem profecto si propitium habueris feliciter regnabis potestatemque integram & divitias obtinebis. Quem si, quod absit, offendis, non Procerum consilia, non Militum subsidia, non arma, non divitiæ ubi subvertere cæperit, poterunt subvenire. Porro in honore Domini, in Ecclesia libertate, Nos familiares, Nos adjutores habebis. Nec opineris quia quisquam Nos a tua divellet amicitia, si ab Investituris abstinere, si honorem debitum & libertatem à Domino institutam conservaveris. Ecclesiarum siquidem Investituras nos sancti Spiritus iudicio Regibus & Principibus, immo Laicis omnibus interdiciamus. Nec enim decet ut a filio mater in servitutem addicatur, ut sponsum quem non optavit accipiat. Habet sponsum suum Regem ac Dominum nostrum qui te misericordia sua in potentia & probitate custodiat, & a terreno ad celestem perducatur. Amen.

Primum itaque ex auctoritate sanctorum Patrum Simoniacæ hæresis surreptio in eodem Concilio damnata est. In qua culpa inventi, depositi sunt Guido Abbas de Percore, & Wimundus de Tavefack, & Ealdrinus de Ramefeia, & alii nondum sacriati, remoti ab Abbatibus, scilicet Godricus de Burgo, Haimo de Cernel, Egelricus de Mideltune, abque simonia vero remoti sunt ab Abbatibus pro sua quisque causa, Richardus de Heli, & Robertus de sancto Edmundo, & qui erat apud Micelenci.

Statutum quoque est, ne Episcopi secularium placitorum officium suscipiant, & ut non sicut Laici, sed, ut religiosas personas decet, ordinati vestes habeant, & ut semper & ubique honestas personas testes habeant suæ conversationis.

Ut etiam Archidiaconatus non dentur ad firmam.

Ut Archidiaconi sint Diaconi.

Ut nullus Archidiaconus, Presbyter, Diaconus, Canonicus uxorem ducat vel duxam retineat. Subdiaconus vero quilibet qui Canonicus non est, si post professionem castitatis uxorem duxerit, eadem regulâ constringatur.

Ut Presbyter quandiu illicitam conversationem mulieris habuerit, non sit legalis, nec missam celebret, nec si celebraverit, ejus missa audiat.

Ut nullus ad Subdiaconatum aut supra ordinetur sine professione castitatis.

Ut filii Presbyterorum non sint hæredes Ecclesiarum Patrum suorum.

Ne quilibet Clerici sint secularium præpositi, vel Procuratores, aut Judices sanguinis.

Ut Presbyteri non eant ad potationes, nec ad pinnas bibant.

Ut

Ut vestes Clericorum sint unius coloris, & calciamenta ordinata.

Ut Monachi vel Clerici qui ordinem suum abjecerunt, aut redeant, aut excommunicentur.

Ut Clerici patentes Coronas habeant.

Ut Decima non nisi Ecclesiis dentur.

Ne Ecclesia aut Prabenda emantur.

Ne novæ Capellæ fiant sine consensu Episcopi.

Ne Ecclesia sacretur donec provideantur necessaria & Presbytero, & Ecclesia.

Ne Abbates faciant Milites, & ut in eadem domo cum Monachis suis manducant & dormiant, nisi necessitate aliqua prohibente.

Ne Monachi penitentiam civium injungant sine permisso Abbatis sui, & quod Abbates eis licentiam de hoc dare non possunt, nisi de eis quorum animarum curam gerunt.

Ne Monachi Compatres, vel Monachæ Commatres fiant.

Ne Monachi teneant villas ad firmam.

Ne Monachi Ecclesias nisi per Episcopos accipiant, neque sibi datas ita expolient suis redditibus, ut Presbyteri ibi fervientes in iis quæ sibi & Ecclesiis necessaria sunt, penuriam patiantur.

Ut fides inter virum & mulierem occulte & sine testibus de conjugio data, sibi ab alterutro negata fuerit, irrita habeatur.

Ut criniti sic tondeantur, ut pars aurium appareat, & oculi non tegantur.

Nec cognati usque ad septimam generationem ad conjugium non copulentur, vel copulati simul permaneant, si quis hujus incestus conscius fuerit, & non ostenderit, ejusdem criminis se participem esse cognoscat.

Ne corpora defunctorum extra parochiam suam sepelienda portentur.

Ut Presbyter parochia perdat, quod inde illi iuste debetur.

Ne quis temeraria novitate corporibus mortuorum, aut fontibus, aut aliis rebus, quod contigisse cognovimus, sine Episcopali auctoritate, reverentiam sanctitatis exhibeat.

Ne quis illud nefarium negotium, quo hæcenus homines in Anglia solebant velut bruta animalia venundari, deinceps ullatenus facere præsumat.

Sodomiticum flagitium facientes, & eos in hoc voluntarie iuvantes, in hoc eodem consilio gravi anathemate damnati sunt, donec penitentia & confessione absolutionem mereantur. Qui vero hoc crimine publicatus fuerit, statutum est siquidem fuerit persona religiosi Ordinis, ut ad nullum amplius gradum promoveatur, & si quem habet ab illo deponatur. Si autem Laicus, ut in toto regno Anglia, legali sua conditionis dignitate privetur. Et ne huius criminis absolutionem iis qui se sub regula vivere non noverunt aliquis nisi Episcopus facere praesumat.

Statutum quoque est ut per totam Angliam in omnibus Dominicis diebus Excommunicatio renovetur.

Eadm. Hist.
fol. 71. lin. 8.
N. 21.

Paschalis Episcopus Servus Servorum Dei, Anselmo Cantuariensi venerabili fratri & Episcopo, salutem, & benedictionem. Suavissimas dilectionis tuae suscepimus literas, caritatis calamo scriptas. Neque enim aliud cartae calamus indidit quam quod de fonte caritatis intinxit. In his reverentiam devotionis tuae complectimur, & perpendentes fidei tuae robur, & pia sollicitudinis instantiam, exultamus quia gratia Dei tibi praestante auxilium, te nec minae concutiunt, nec promissa sustollunt. Dilemus autem quia cum fratres nostros Episcopos Legatos Regis Anglorum benigne suscepissimus, quae nec diximus eis nec cogitavimus, redeuntes ad propria reverterunt. Audivimus enim eos dixisse, quod si Rex in aliis bene ageret, Nos investituras Ecclesiarum nec prohibere nec factas excommunicare, & quod ideo volebamus cartam committere, ne sub hac occasione & ceteri Principes in Nos inclamarent. Unde Ihesum, qui renes & corda scrutatur in animam nostram testem inducimus, si ex quo huius sanctae Sedis curam cepimus gerere hoc immane scelus vel descendit in mentem. Et hoc Deus avertat à Nobis ut est, & non frastuendo inficiat Nos, ut aliud habeamus ore promptum, aliud corde reconditum cum contra mendaces Prophetas imprecetur, dicens, Disperdat Dominus universa labia dolosa. Si vero nostro silentio pateremur Ecclesiam felle amaritudinis & impietatis radice pollui, quia ratione possemus apud internum Iudicem excusari, cum Dominus sub specie Sacerdotum dicat Prophetas, Speculatorem te dedi domus Israel. Non bene custodit urbem qui in specula positus tum non obsidet, eam hostibus diripiendam exponit. Si ergo virgam Pastoralitatis signum, si Annulum signaculum fidei tradit Laica manus, quid in Ecclesia Pontifices agunt? Ecclesiae honor atteritur, solvitur disciplinae vigor, & omnis religio Christiana concutitur si quod novimus Sacerdotibus folis deberi, Laica patiamur temeritate praesumi. Non est Laicorum Ecclesiam tradere, nec filiorum matrem adulterio maculare. Jure ergo privandus est patri-monio qui matrem polluit adulterio, nec meretur Ecclesiastica benedictionis consortium, qui eam impia infestatione insequitur. Laicorum enim est Ecclesiam tueri non tradere. Ozias quidem cum illicitum sibi Sacerdotium vendicaret, lepra percussus est. Filii quoque Aaron quia alienum ignem imposuerunt, igne Divino consumpti sunt. Alienum est ab Ecclesia, & à sacris Canonibus est inhibendum, ne Principes & saeculares viri investituras non solum non dare, sed nec electioni Episcoporum se audeant violenter inferere. In septima quippe Synodo, ut nescis, scriptum est. Sancta & universalis Synodus definivit neminem Laicorum Principum, potentumve semet inferere Electioni Episcoporum vel promotioni eorum. Si ergo filii Aaron, qui ignem alienum intulerunt, corporaliter puniti sunt, isti qui à Laicis à quibus alienum est Ecclesiam susceperunt, spirituali gladio feruntur. Episcopos autem qui veri-

De investitura.

tatem in mendacio invocant, ipsa veritate quae Deus est in medium introducta à beati Petri gratia, & à nostra societate excludimus donec Romana Ecclesia satisfaciatur & reatus sui pondus agnoscat. Quicunque vero intra praedictas inducias reinvestituram seu consecrationem acceperunt, à Consortio, fratrum & ordinatores & ordinatos alienos habemus, nec eis ad excusationem deceptio sufficit, quia & Propheta ab alio Propheta deceptus nec ideo mortem evasit. Rogamus interea caritatem tuam: Nos tuis sanctis precibus commendari, ut quanto propius ad Deum passibus virtutum acceleras, nobis orationum tuarum manus extendas. Omnipotens Deus qui te ad huius stadii cursum invitavit, felici consummatione perducat ad premium. Dato II Id. Decembris. apud Beneventum.

Paschalis Episcopus Servus Servorum Dei, Venerabili fratri Anselmo Cantuariensi Episcopo, salutem, & Apostolicam Benedictionem. Fraternitatis tuae postulationibus Nos annuere, tuae sapientiae & religionis persuadet auctoritas. Quondam enim in literis ab Apostolica tibi sede directis Cantuariensis Ecclesiae primatum, ita tibi plenum concessimus sicut à tuis constet Praedecessoribus fuisse possessum. Nunc autem petitionibus tuis annuentes jam tibi quam legitimis successoribus tuis eundem Primatum, & quicquid dignitatis seu potestatis eidem Sanctae Cantuariensi seu Dorobernensi Ecclesiae pertinere cognoscitur, literis praesentibus confirmamus sicut à temporibus beati Augustini Praedecessores tuos habuisse Apostolica sedis auctoritate constiterit. Data Lateranis XVI Kl. Decembris indictione XII.

Paschalis Episcopus Servus Servorum Dei, Illustri & Glorioso Regi Anglorum Henrico, salutem, & Apostolicam Benedictionem. In literis quas nuper ad Nos per familiarem tuum nostra dilectionis filium Wilhelmum Clericum transmissisti, & persona tua sospitatem cognovimus, & successus prosperos quos tibi superatis regni adversariis benignitas Dominica concessit. Audivimus praeterea optatam virilem sobolem ex ingenua & religiosa te conjuge suscepisse. Quod profecto cum Nos letificavit, opportunitatem rati sumus nunc tibi precepta, & voluntatem Dei validius inculcare, cum amplioribus beneficiis Deo te plurimum perspicis debitorem. Nos quoque divinis beneficiis benignitatem nostram penes te sociare optamus, sed grave nobis, quia id à Nobis videri expetere, quod praestare omnino non possumus. Si enim aut consentiamus aut patiamur investituras à tua excellentia fieri, & nostrum proculdubio, & tum erit immane periculum. Qua in re contemplari te volumus quid aut non faciendo perdas, aut faciendo conquiras. Nos enim in prohibitione hac nihil amplius obediencie, nihil liberalitatis per Ecclesiam nanciscimur, nec tibi debita potestatis aut juris subtrahere quicquam nitimur, nisi ut erga te Dei indignatio minuat, & sic tibi prospera cuncta contingant. Ait enim Dominus Honorificantes me honorificabo. Qui me autem contempnunt erunt ignobiles. Dices itaque mei hoc juris est. Non utique non est Imperatorum, non est Regum sed Divinum. Splius illius est qui dixit. Ego sum opus. Unde pro ipso rogo te, cuius hoc munus est, ut ipsi hoc reddas. Ipsi dimittas cuius amoris etiam quia tua sunt debes. Nos autem cur tua obtineatur voluntati, cur obsteremus gratia, nisi Dei in huius negotii consensu strenuus voluntati obviare gratiam amittere? Cur tibi quicquam negarem quod cuiquam esset mortalium concedendum cum beneficia de te amplius sumperimus? Perspice, fili Karissime, utrum decus an dedecus tibi sit, quod Sapientissimus ac Religiosissimus Gallicanorum Episcoporum Anselmus Cantuariensis Episcopus propter

Eadm. Hist.
f. 73. n. 40.
N. 22.

Eadm. Hist.
f. 74. n. 10.
De investitura
N. 23

propter hoc tuo lateri adhaerere, tuo veretur in regno consistere. Qui tanta de te haec bona audiverant, quid de te sentiant, quid loquuntur, cum hoc fuerit in regionibus divulgatum. Ipsi qui coram te tuos excessus extolunt, cum praesentia tua caruerint, hoc profecto validius infamabunt. Redi ergo fili Karissime ad cor tuum propter misericordiam Dei, & propter amorem unigeniti deprecamur revoca Pastorem tuum, revoca Patrem tuum. Et si quid quod non opinamur adversus te gravius gesserit, siquidem Investituras averatus fueris, Nos juxta voluntatem, quantum cum Deo possumus, moderabimur. Tu tamen talis repulse infamiam a persona tua & regno amoveas. Hac si feceris, & si gravia qualibet a Nobis petieris, qua cum Deo praeberi facultas sit, profecto consequeris, & pro te Dominum, ipso adjuvante, exorare curabimus & de peccatis tamen tibi quam Conjugi tuae Sanctorum Apostolorum meritis absolutionem & indulgentiam faciemus. Filium etiam tuum quem ex spectabili & gloriosa conjugio suscepisti, quem, ut audivimus, egregii Patris Willielmi vocabulo nominasti, tantatecum imminetia consuevimus, ut qui vel te vel illum leserit, Romanam lesisse videatur Ecclesiam. Quid super his ad honorem Dei & Ecclesiae gloriæ exhibiturus sis, maturius Nobis volumus responderi, interventu, videlicet, talium Legatorum, de quorum relationibus nec nosse debeat, nec vester auditus ambigere. Data Laterani IX KJ. Decembris.

Suo Reverendo Domino Henrico Regi Anglorum, Anselmus Cantuariensis Archiepiscopus fidele servitium, cum orationibus. Quamvis per Willielmum de Wareham cognoscatis quid Romae fecerimus, tamen quod ad me pertinet breviter ostendam. Romam veni, causam pro qua veneram Domino Papae exposui. Respondit se nequaquam velle dissentire a statutis Antecessorum suorum, & insuper praecepit mihi ut nullam haberem communionem cum illis, qui de manu tua Investituras acceperunt Ecclesiarum, post huius prohibitionis notitiam, nisi penitentiam agerent, & sine spe recuperationis quod acceperant desererent, neque cum Episcopis qui tales consecrarunt, nisi ad Apostolicæ sedis iudicium se praesentarent. Horum omnium testis esse potest praedictus Willielmus, si vult. Qui Willielmus quando ab invicem discessimus, ex vestra parte commemoranti amorem & benignitatem quam semper erga me habuistis, summonuit me sicut Archiepiscopum vestrum, ut talem me facerem quatenus sic intrarem in Angliam, ut esse possum vobiscum, sicut fuit Antecessor meus cum Patre vestro, & vos me eodem honore & libertate tractaretis, qua Pater vester Antecessorem meum tractavit. In quibus verbis intellexi quia nisi me talem facerem, reditum meum in Angliam non velletis. De amore quidem & benignitate gratias ago. Ut autem ita sim vobiscum, sicut Antecessor meus fuit cum Patre vestro, facere non possum, quia nec vobis Homagium facere, nec accipientibus de manu vestra Investituras Ecclesiarum propter praedictam prohibitionem me audiente factam audeo communicare. Unde precor ut mihi vestram, si placet, mandetis voluntatem, utrum sic quemadmodum dixi possum in pace vestra & officii mei potestate redire in Angliam. Paratus enim sum & vobis & populo divina mihi dispositione commissio officii mei servitium pro viribus & scientia mea, servata regulari obedientia, fideliter exhibere. Quod si votis non placerit, puto quia si quod animarum detrimentum inde contigerit, mea culpa non erit. Omnipotens Deus sic regnet in corde vestro ut vos per omnia regnetis in gratia ejus.

Paschalis

Eadm. Hist.
t. 74 n. 30.De investitu-
ria.
N. 24.

Paschalis Episcopus Servus Servorum Dei, Venerabili Fratri Cantuariensi Archiepiscopo Anselmo, salutem, & Apostolicam Benedictionem. De illata tibi injuria membra Ecclesia non modicum patiuntur, quia, sicut dicit Apostolus, si compatitur unum membrum compatitur & cetera membra. Licet enim corporali sepecerimur praesentia, unum tamen in capite sumus. Tuas namque injurias ac repullas aequae ac nostras portamus. Illud etiam nos vehementer affligit, quod tua religio regno sublata est Anglico. Quae enim sunt sine Pastore oves, Lupus rapit & dispergit. Accirco de tua ad eos reversione modis quibus possumus laboramus. Unde in Concilio nuper habito ex communi Fratrum & Coepiscoporum sententia deliberatum est, & Regis Consiliarios qui ad Investituram flagitium illum impellant, & eos qui ab eo investiti sunt, ab Ecclesia liminibus repellendos, quia de libera facere conantur Ancillam. Quam nimirum sententiam nos Sancti Spiritus iudicio, in Comitem de Mellento, & ejus complices promulgavimus, & eandem ipsam in eos qui sunt Investiti a Rege, ejusdem Sancti Spiritus iudicio confirmamus. Regis vero sententia, ea ex causa dilata est, quia suos ad Nos Nuncios in praeterita Pascha tempore debuit destinare. Data Laterani VII KJ. Aprilis. Anno Dom. 1104.

Patri dilectissimo Anselmo Cantuariensi Archiepiscopo, Gerardus Eboracensis Archiepiscopus, & Robertus Cestrensis, & Herbertus Norwicensis, & Radulphus Cicestrensis, & Samson Wigorniensis Episcopi, & Willielmus Wintoniensis electus, salutem. Sustinuimus pacem, & ipsa longius recessit; quassavimus bona, & invaluit turbatio. Via ston lugent, quia eas conculantur incircumcisi. Templum maret, quia intra Sancta Sanctorum, & ad ipsam Aram irruerunt Laici. Exurge ut olim senex ille Mathathias. Habes in filiis tuis virtutem Jude, strenuitatem Jonathae, prudentiam Simonis. Hii tecum praeliabuntur praelium Domini, & si ante Nos appositus fueris ad Patres tuos, de manu tua suscipiemus hereditatem laboris tui. Sed jam non est tibi pigritandum. Ut quid enim peregrinaris, & oves tuae sine Pastore pereunt? Jam apud Deum nulla tibi remanet excusatio. Te enim non solum subsequi, sed & praere si jusseris parati sumus. Veni ergo ad Nos, veni cito, vel Nos aut ex Nobis aliquos ad te venire jube, ut cum se juncti a te sumus in sinistram te partem inclinent eorum consilia qui tua querunt. Nos enim jam in hac causa non quæ nostra, sed quæ Dei sunt quaerimus.

Henrico suo Karissimo Domino, gratia Dei Regi Anglorum, Anselmus Archiepiscopus Cantuariensis, fideles orationes, cum fidei servitio. Ad me pertinet, si audio quod faciatis aliquid, quod animæ vestrae non expediat, ut hoc vobis non taceam, ne, quod Deus avertat, Deus trahatur, & vobis, si facitis quod illi non placeat, & mihi, pro taciturnitate mea. Audio quod vestra excellentia, vindictam expectet super Presbyteros Angliae, & forisfacturam exigit ab eis, qui non servaverunt praeceptum Concilii quod ego cum vestro favore tenui apud Lundoniam cum aliis Episcopis, & religiosi personis. Quod haec inaudiditum & inusitatum est in Ecclesia Dei, de ullo Rege, & de aliquo Principe. Non enim pertinet secundum legem Dei hujusmodi culpam vindicare, nisi ad singulos Episcopos per suas Parochias; aut si & ipsi Episcopi in hoc negligentes fuerint, ad Archiepiscopum & Primatem. Precor igitur vos sicut charissimum Dominum, cujus animam diligo, plus quam praesentem vitam corporis mei, & consulo scite vere fidelis corpori, & animæ vestrae ne vos contra Ecclesiasticam Consuetudinem in tam grave peccatum mitatis, & si jam incepistis, ut omnino desistatis.

Eadm. Hist.
fol. 79. lin. N. 25.Eadm. Hist.
fol. 84. n. 20. N. 26.Eadm. Hist.
fol. 85. n. 30. N. 27.

*I. c. Diacest.

d. ſtatis. Dico enim vobis quod valde timere debetis, quod pecunia taliter accepta, ut taceam quantum noceat anime, non tamen cum expendetur, adjuvabit terrena negotia, quantum poſtea perturbabit. Denique vos ſcitis quia me in Normannia in pacem veſtram ſuſcepſiſtis, & de Archiepiſcopatu meo, me reſaſiſtiſtis, & quod cura & vindicta talis offenſa maxime pertinet ad Archiepiſcopatum, quoniam plus ſum Epico- pus pro ſpirituſuali Cura, quam pro terrena poſſeſſione. Omnipotens Deus ſic & in hoc, & in aliis actibus veſtris dirigat cor veſtrum ſcien- dum voluntatem ſuam, ut poſt hanc vitam perducat vos ad gloriam ſu- am. Amen.

Eadm. Hiſt.
fol. 87, lin. 4.
N. 28.

Paſchalis Epicoſpus Servus Servorum Dei, Venerabili fratri Anſelmo Cantuarienſi Epicoſo, ſalutem & Apoſtolicam Benedictionem. Quod Angliæ Regis cor ad Apoſtolicæ ſedis obedienciam, Omnipotentis Dei dignatio inclinavit, eidem miſerationum Domino gratias agimus, in cujus manu Regum corda verſantur. Hoc nimirum tuæ caritatis gratia, tuarumque orationum inſtantia factum credimus, ut in hac parte po- pulum illum cui tua ſollicitudo præſidet, miſeratio ſuperna reſpiceret. Quod autem & Regi, & iis qui obnoxii videntur, adeo condeſcendimus eo aſſeſſu & compaſſione factum noveris, ut eos qui jacebant erigere valeamus. Qui enim ſtans jacenti ad ſublevandam manum porrigit, nunquam ja- centem eriget niſi & ipſe curvetur. Caterum quavis caſui propinquare inclinatio videatur, ſtatum tamen rectitudinis non amittit. Te autem, Frater in Chriſto Venerabilis & Kariſſime, ab illa prohibitione, ſive, ut tu credis, excommunicatione abſolvimus quam ab antecſſore noſtro, Sanctæ memorie Urbano Papa adverſus Inveſtituras aut Hominia factum intelligis. Tu vero eos qui Inveſtituras acceperunt, aut Inveſtitos benedixerunt, aut Hominia fecerunt, cum ea ſatiſſatione qua tibi per communes Legatos, Willielmum & Balduinum viros fideles ac veridicos ſignificamus, Domino cooperante, ſuſcipito, & eos vice noſtra authoritatè abſolvito, quos vel ipſe benedicas vel a quibus volueris benedicti præſtias, niſi aliud in eis ſorte repereris propter quod à ſacris ſint honoribus repellendi. Caterum Elienſi Abbati tuæ communionis conſortium ſub- trahes, quamdiu Abbatiam retinere præſumpſerit, quam, concepto noſtri oris interdico, quod præſens audierat, per repetitam Inveſtituram præſumpſit invadere. Si qui vero deinceps præter Inveſtituras Eccleſiarum, prælationes aſſumpſerint, etiam ſi Regi Hominia fecerint; nequaquam ab hoc a benedictionis munere arceantur, donec per Omnipotentis Domini gratiam, ad hoc omittendum, cor regum, tuæ prædicationis imbribus moliantur. Præterea ſuper Epicoſo qui falſum ut noſti à nobis rumo- rem retulerunt, Cor noſtrum vehementius aggravatur, quia non ſolum nos leſerunt, ſed multorum ſimplicium animas deceperunt, & regem ad- verſus charitatem Sedis Apoſtolicæ impulerunt. Unde & multum eorum flagitium, Domino cooperante, non patimur. Verum tamen quia filii noſtri Regis inſtantia pro eis nos pulſat attentius, etiam ipſi communi- onis tuæ participium non negabim. Donec veniendi ad nos præceptum ac- cipiant. Sane Regem, & ejus conjugem, ac Procere illos qui pro hoc negotio circa regem ex præcepto noſtro laboraverunt & laborare niteſcunt, quorum nomina ex ſupradicti Willielmi ſuggeſtione cognoscere, juxta ſponſionem noſtram a penitentiis ſuis, & peccatis abſolvere. Legitur quandoguidem Omnipotens Dominus tantum nos in Angliæ regno ad ſuum & Eccleſiæ ſuæ honorem in hac præſtitit correctione proſecre; ea deinceps manuſuetudine, diſpenſatione, ſapientia, proviſione circa regem, & Principes, tuæ fraternitas ſataget, ut quæ minus adhuc correctæ ſunt, auxiliante

auxiliante Domino Deo noſtro, per tuæ ſollicitudinis ſtudium corrigan- tur. Qua in re ita dilectioni tuæ noſtrum ſentias adeſſe præſidium, ut quæ ſolveris, abſolvamus, quæ ligaveris, alligemus. Rotomagenſis Epicoſpi cauſam & interdictum meum juſtitia diſtante prolatum tuæ de- liberationi commiſimus. Quod ei indulſeris, indulgemus. Fraternali- tatem tuam ſuperna dignatio per tempora longa conſervet incolumem. Date X. Kl. Aprilis.

A Henricus Rex Anglorum, Anſelmo Cantuarienſi Archiepiſcopo, ſalu- tem & amicitiam. Paternitati & Sanctitati Veſtræ ſignificamus, * Robertum Comitem Normanniæ, cum omnibus copiis militum, & peditum quos proce & preſio adunare potuit, die nominata & determi- nata, mecum ante Tenerchebraiam acriter pugnaſſet & tandem ſub mi- ſericordiæ dei vicimus, & ſine multa cade noſtrorum. Quid plura? Divina miſericordia, Ducem Normanniæ, & Comitem Moritonii, & Willielmum Gaiſpinum, & Willielmum de Ferreris, & Robertum de Stuteville ſenem, & alios uſque ad quadringentos milites, & decem millia peditum in manus noſtras, & Normanniam dedit. De illis autem quos gladius peremit, non eſt numerus. Hoc autem non elationis, vel arrogantia, nec viribus meo tribuo, ſed dono Divinæ diſpoſitionis, attribuo: quocirca, Pater reverende, ſupplex & devotus ge- nibus tuæ Sanctitatis adſolutus te deprecor, ut ſuperum Judicem cauſæ arbitrio, & voluntate triumphus iſte tam glorioſus, & utilis mihi con- tigit, depreceris ut non ſit mihi ad damnum, & detrimentum, ſed ad initium bonorum operum & ſervitii Dei, & ſanctæ Dei Eccleſiæ ſta- tum, tranquilla pace tenendum, & corroborandum, ut amodo libera vivat, & nulla concutiatur tempeſtate bellorum.

D Paſchalis Epicoſpus Servus Servorum Dei, venerabili Fratri Anſelmo Cantuarienſi Epicoſo, ſalutem & Apoſtolicam benedictionem. De Presbyterorum filiis quid in Romana Eccleſia conſtitutum ſit, Fraternali- tatem tuam neſcire non credimus. Caterum quia in Anglorum regno tanta hujusmodi plenitudo eſt, ut major pene & melior Clericorum pars in hac ſpecie cenſeatur nos diſpenſationem hanc ſollicitudini tuæ, com- mittimus. Eos enim quos ſcientia & vita commendat apud vos, ad ſacra officia promoveri, pro neceſſitate temporis, & utilitate Eccleſiæ, concedi- mus; ut in poſterum conſtitutionis Eccleſiaſticæ præjudicium caveatur. De perſona quaque Richardi Elienſis Abbatis, penitentibus filiis noſtris, Henrico Rege & Willielmo de Warlewaſt, permittimus ut eam in communionem tuam, præmiſſa ſatiſſatione, ſuſcipias, & ſi ad Mona- ſterii regimen utilis ejus perſona conſpiciatur tuæ diſpenſationi commit- timus, cetera etiam quæ in regno illo pro neceſſitate temporis diſpen- ſanda ſunt, juxta gentis barbariem, juxta Eccleſiæ opportunitates, ſa- pientia ac religionis tuæ ſollicitudo diſpenſet. Data III. Kl. Junii.

F Paſchalis Epicoſpus Servus Servorum Dei, Dilecto in Chriſto filio Henrico glorioſo Regi Anglorum, ſalutem & Apoſtolicam benedictio- nem. Omnipotenti Deo gratias agimus qui talem te Regem noſtris tem- poribus conſtituit, qui & terrenum regnum ſapienter ad honorem Dei gubernas, & æterni regni ſollicitudinem ante oculos mentis portas. Poſtulaſti ſiquidem a nobis per literas ut in loco, qui Ely dicitur, novus ex Apoſtolicâ authoritate Epicoſatus conſtituatur, qui Lincolnienſem Epicoſum tantæ magnitudinis eſſe dixiſti, ut ad peragenda ea quæ Epico- palis ſunt officii unus Epicoſus nullatenus ſufficere poſſit. Pro quo,

Eadm. Hiſt.
fol. 90. li.

* Robert E.
of Norman
was his el
brother.
N. 29

Eadm. Hiſt.
fol. 91. lin.
N. 30

Selden ad
Eadm. fol.
n. 10.
N. 31.

& devotionem tuæ voluntatis laudamus & dispositioni assensum præbimus ita tamen ut in celebri loco constitatur, ne nomen Episcopi, quod abis, vil seat. Ad hoc enim Episcopus constituitur, ut populum Dei & verbo doceat, & vita informet, & ad verum Pastorem Domini commissurum sibi animarum, lucra reportet. In hiis quoque de quibus rogasti, licet quedam ibi inordinata videantur, tuæ tamen voluntati refragari nequaquam valemus. Novit præterea gloria vestra, Domnum Hervæum Episcopum quem vita & scientia commendat non modica, nimia barbarorum ferocia, & persecutione de sede sua expulsum, & multâ fidelium fratrumque suorum cæde fuisse fugatum. Cujus ut scientia fructum, qui non perit, asserre, & vita bonum valeat Dei populo exemplum præbere, volumus & rogamus ut si qua eum apud vos vacans Ecclesia vocaverit, ibi auctoritate Apostolica constitatur, ne infructuoso diu silentio torpeat, qui vita celestis documenta in scientia & moribus portat. Omnipotens Deus Apostolorum suorum precibus & vos, & prolem vestram custodiat & celeste post terrenum vobis regnum concedat. Dat. XI. Kal. Decembris.

Edm. Hist.
fol. 102. lin. 8.
N. 32.

Anselmus Minister Ecclesiæ Cantuariensis, Thomæ electo Archiepiscopo Eboracensi. Tibi Thoma, in conspectu Omnipotentis Dei, Ego Anselmus Archiepiscopus Cantuariensis et totius Britannia Primas, loquor. Loquens ex parte ipsius Dei, Sacerdotale officium, quod meo jussu in Parochia mea per suffraganeum meum suscepisti, tibi, interdico, atque præcipio ne te de aliqua Cura Pastorali, nullo modo præsumas intrromittere, donec a rebellionem quam contra Ecclesiam Cantuariensem incepisti, desedas, et ei subjectionem quam Antecessores tui, Thomas videlicet, et Girardus Archiepiscopus, ex antiqua Antecessorum consuetudine, professi sunt, profitearis. Quod si in istis, que cepisti magis perseverare, quam ab eis desistere, delegeris, Omnibus Episcopis totius Britannia sub perpetuo Anathemate interdico, Ne tibi ulius eorum manus ad promotionem Pontificatus imponat, vel, si ab externis promotus fueris, pro Episcopo vel in aliqua Christiana communione te suscipiat. Tibi quoque Thoma sub eodem Anathemate ex parte Dei interdico, ut nunquam benedictionem Episcopatus Eboracensis suscipias, nisi prius professionem, quam Antecessores tui Thomas & Girardus Ecclesiæ Cantuariensi fecerunt, facias: Si autem Episcopatum Eboracensem ex toto dimiseris, concedo, ut officio Sacerdotali, quod jam suscepisti, utaris.

Edm. Hist.
fol. 10. lin. 3.
N. 33.

Paschalis Episcopi Servus Servorum Dei, Venerabilibus fratribus Episcopis Angliæ, et charissimo filio Henrico illustri Regi, salutem, et Apostolicam benedictionem. Veniente ad nos Charissimo, et Reverendissimo Fratre nostro Radulfo Cantuariensi Archiepiscopo, vestram ad nos Legationem missam per venerabilem Fratrem Herbertum Norwicensem Episcopum novimus. Et quidem gravibus infirmitatibus molestis impediti idem Fratres, et Co-episcopi pervenire ad nostram presentiam minime potuerunt. Sed nuntiorum honestis, venerabilibusque personis, pervenientibus, eorum scripta suscepimus, in quibus et ipsorum posulationes, et vestra Legationis vota inspeximus. Id enim optabatur, id poscebatur, ne Ecclesia Cantuariensis temporibus nostris sua dignitate privetur, ne nos eandem dignitatem minuamus, aut minui sinamus, qua videlicet dignitate posita est, ex quo à Beato Gregorio per Beatum Augustinum fundata est. Præter hæc literarum inditita, Legati, qui ad nos missi sunt, ut sapienter, ac strenui viri assertiones suas prudenter, instanter, et efficaciter executi sunt. Nos professio et Legatorum personas, et Legatorum assertiones, et vestrum omnium suggestiones, tanquam Charissimorum fratrum benigne suscepimus,

suscipimus, quia vobis in Domino, propter Dominum placere optamus, Vestre igitur dilectioni notum haberi volumus, quia Cantuariensis Ecclesiæ dignitatem et immunitatem, nec imminuerere deliberamus. Beatum namque Gregorium, Apostolicæ sedis Pontificem, tanquam præcipuum Christi membrum, tanquam Christiani populi Pastorem, & Dilectorem, tanquam salutis æternæ Ministrum in omnibus veneramus. Et rata esse, cupimus, quæ ab ejus institutionibus processerunt. Illam ergo dignitatem quam ab eo per Beatum Augustinum Cantuariensis suscepit Ecclesia, & quam Frater noster Sanctæ memoriæ Anselmus jure, ac possessione legitima tenuisse cognoscitur, nos professio nullatenus imminimus, sed in eodem statu esse Cantuariensem Ecclesiam volumus, nec autentica ejus privilegia, juxta Canonum sanctiones, nullis perturbationibus violentur. Data Beneventi XI. Kl. Aprilis.

Paschalis Episcopus Servus Servorum Dei, Dilecto filio Henrico illustri Anglorum Regi, salutem, & Apostolicam benedictionem. Nos auctore Deo, de probitate tua, non tantum bona, sed etiam meliora confidimus. Idcirco movemus excellentiam tuam, ut divine gratiæ semper memor existas, quæ tibi, & Regni pacem & justitiæ notitiam tribuit. Honorem igitur Dei & Ecclesiarum ejus in regno tuo diligenter observa & justitiam efficaciter exequere, quia per honorem Dei tuus profectio honor augbitur. Audivimus electum Eboracensis Ecclesiæ virum sapientem, & strenuum, sine judicio, ab Eboracensi Ecclesiæ sequestratum, quod nimirum divine justitiæ & Sanctorum Patrum institutionibus adversatur. Nos quidem, neque Cantuariensem Ecclesiam minui, neque Eboracensem, præjudicium volumus pati, sed eam constitutionem, quæ à Beato Gregorio, Anglicæ gentis Apostolo, inter easdem Ecclesias constituta est, firmam censemus illibatamque servari. Idem ergo electus, ut justitiæ exigit, ad suam Ecclesiam revocetur. Si quid autem questionis inter easdem Ecclesias agitur, presentibus utrisque partibus, in nostra presentia pertractetur ut, præstante Deo, utraque Ecclesia finem sue justitiæ consequatur. Data Beneventi Nonis Aprilis.

Edm. Hist.
fol. 11.
N.

* Hæc est Concordia facta inter Regem, & filios suos.

* Ben. Al.
p. 59. a.

Notum sit tam presentibus quam futuris, quod pax enter Dominum Regem, & filios suos Henricum, viz. & Richardum, & Gaufridum, in hunc modum Deo volente reformata est. Henricus Rex filius Regis, & fratres sui prædicti, ad patrem suum, & ad servitium ejus sicut ad dominum suum redierunt, liberi, et absoluti ab omni juramento, et in ipsa, quam inter se, vel cum aliis fecerunt contra eum, v. l. homines suos et omnes homines et barones, qui à fidelitate patris causa eorum recesserant, clamaverunt quietos ab omni juramento, quod isti fecerant, et ita quieti et liberi ab omni juramento, et absoluti ab omni Conventione quam isti fecerant, in Dominum, et Ligantiam Domini Regis redierunt. Et dominus Rex debet re habere, ipse, et homines sui, et Barones sui, omnes terras suas, et Castellum sui, que habuerunt quindécim diebus antequam filii sui recederent ab eo. Similiter et Barones et homines sui qui recesserunt ab eo, et secuti sunt filios suos, debent re habere terras suas, quas habuerunt quindécim diebus antequam ab eo recederent, et dominus Rex remisit omnem malevolentiam baronibus et hominibus suis, qui recesserunt ab eo, ita quod propter hoc nullum malum eis faciet, quamdiu fideliter et servient, sicut ligio domino suo. Et Rex filius ejus simili er

Hoved. Hist.
a. n. 30.
N.

perdonavit omnibus tam Clericis quam Laicis, qui cum patre suo fuerant omnem malevolentiam, & adsecutus est in manu Domini Regis patris sui, quod illis qui servierunt ei nec malum nec damnum aliquod hac de causa faciet, vel perquiret in tota vita sua. Et dominus rex per hanc conditionem donat Regi filio suo duo Castella idonea in Normannia ad voluntatem Patris illius, & singulis annis quindecim millia librarum Andegavensium, & Richardo filio suo duo receptacula idonea in Picardia, unde Regi damnum non possit provenire: & medietatem reddituum Pictavia in denariis. Canfrido vero filio suo dat in Britannia in denariis medietatem maritaggi filiae Comitum Conani, quam ducere debet in uxorem, & postquam concessione Romana Ecclesie eam in uxorem duxerit, habebit omnes redditus illius maritaggi, sicut continetur in Charta Comitum Conani. Prisones vero qui cum domino Rege sinem fecerunt, ante factam pacem cum domino Rege: Videlicet, Rex Scotiae, et Comes Leicestræ, & Comes Cestræ, & Radulfus de Fulgeriis, & obsides eorum, & obsides aliorum Prisonum, quos prius habuerat, sint extra Conventionem istam. Alii autem prisoni ex utraque parte deliberari debent, ita scilicet, quod dominus rex obsides accipiet de prisonibus suis, de quibus habere voluerit, & qui dare poterunt. Et de aliis habebit securitatem per fidem & Sacramentum suum, & amicorum suorum. Castella vero que firmata sunt, vel infortiata postquam guerra incepit, in terra domini Regis, pro voluntate sua debent redigi in illum Statum in quo fuerunt quindecim diebus ante guerram. Præterea sciendum est quod Rex Henricus filius Regis concessit domino regi patri suo, se quam firmiter observaturum omnes donationes elemosinarum quas dederat vel daturus erat de terris suis, & donationes terrarum quas dederat hominibus suis, vel daturus erat pro servitio suo. Concessit etiam se firmiter & inconcusse observaturum donationem, quam Rex pater suus fecit Johanni fratri suo, videlicet, mille libratas reddituum in Anglia de dominico suo, & de exaetis suis ad voluntatem suam, cum pertinentiis suis, & Castellum de Nottingham cum Comitatu, & Castellum de Merleberga cum pertinentiis suis: & in Normannia mille libratas reddituum Andegavensium, & duo Castella in Normannia, ad voluntatem patris, & in Andegavia, & in terra que fuit Comitum Andegavia mille libratas reddituum Andegavia, & unum Castellum in Andegavia, & unum Castellum in Turonica, & unum Castellum in Cenomannia. Concessum est autem a domino rege, pro amore filii sui, quod omnes illi, qui recesserunt ab eo post filium suum & in recessu suo forssecerunt, in terra domini Regis ad pacem ejus revertantur. Ita quod de catallis, que asportaverunt in recessu suo, non respondeant: de morte vel prodicione, vel perdicione alienius membri respondeant secundum Judicium, & consuetudinem terre. Qui autem ante guerram quacunque de causa assugerunt, et ad servitium filii sui venerunt, pro amore filii sui, ad pacem revertantur, si vadium et plegium dederint standi iudicio de his, que ante guerram forssecerant. Illi autem qui in placito erant quando recesserunt ad filium suum ad pacem revertantur, ita quod in eo statu placita sua sint, in quo erant quando recesserunt.

* Hac

* Hac est pax & concordia facta inter Regem Franciæ & Regem Angliæ.

* Ben Abbas
p. 108, 4.Hoveden
f. 325, b. 0
N. 36

Scient omnes tam presentes quam futuri, quod ego Lodowicus Dei gratia Rex Francorum, & ego Henricus eadem gratia Rex Angliæ, volumus ad omnium tam presentium quam futurorum notitiam pervenire, nos Deo inspirante promississe & jurasse, quod simul ibimus in servitium Christianitatis, & crucem suscipiemus ituri Ierosolymam, sicut in scripto de susceptione crucis inter nos facto continetur. Volumus etiam quod omnes sciant, quod sic sumus & amodo volumus esse amici, quod uterque nostrum alteri conservabit vitam, & membra, & terrenum honorem suum contra omnes homines, pro posse suo. Et si quacunque persona alterutri nostrum malum facere presumpserit, ego Henricus juvabo Lodowicum regem Franciæ dominum meum, contra omnes homines pro posse meo. Et ego Lodowicus juvabo Henricum Regem Angliæ contra omnes homines pro posse meo, sicut hominem, & fidelem meum, salva fide, quam debemus hominibus nostris, quamdiu ipsi fidem nobis servabunt. Et neuter nostrum amodo retinebit inimicum alterius in terra sua, ex quo requisitus inde fuerit. Et ut inter nos amodo tollatur omnis materia discordiæ, concessimus ad invicem quod de terris & possessionibus, & aliis rebus, quas quisque nostrum modo possidet, alter adversus alterum inde nihil à modo petet, excepto eo de Alvernia, unde contentio inter nos est, & excepto feodo de Castro Radulfi, & exceptis minutis feodis & divisis terrarum nostrarum de Beria, si homines nostri aliquid inde interceperint inter se vel adversus alterum nostrum. Si autem super his, que superius excepta sunt, per nosmet ipsos convenire non poterimus: ego Lodowicus rex Francorum elegi tres Episcopos, Claremontensem, Nivernensem, Treternensem; & tres Barones, Comitem Theobaldum, & Comitem Robertum, & Petrum de Turtenei fratres meos. Et ego Henricus Rex Angliæ elegi tres Episcopos, Willielmum Cenomanensem, Petrum Petragerensem & Robertum Nannatenensem: & tres Barones, Mauricum de Croun, Willielmum Maingot & Petrum de monte Rabel ex parte mea, qui inquisita diligenter hinc & inde veritate, tam per seipsos, quam per iuramenta illarum terrarum prædicti Episcopi in verbo veritatis asseruunt, & laici jurabunt, quod quacunque cognoverint de jure cuiusque nostrum esse, hoc inter nos dicent, & nos eorum dicto bona fide firmiter stabimus. Si vero omnes illi Episcopi, quos ego Lodowicus elegi interesse non poterunt, nihilominus stabimus dicto illorum duorum qui intererint. Et si omnes Barones ex mea parte nominati non interfuerint, pro eo non remanebit, quin stemus dicto aliorum duorum qui interfuerint, Et similiter erit de illis, quos ego Rex Henricus elegi, tam de Episcopis, quam de Baronibus. Juravimus etiam quod nullum malum faciemus eis propter hoc, quod veritatem inde dixerint. Et si forte, quod Deus avertat, inter nos de terris nostris aliqua querela à modo oriatur per eosdem bona fide, & sine malo ingenio sine dilutione terminetur. Si autem aliqua prædictarum personarum interim mortua fuerit altera loco ipsius substituitur. Si vero alteruter nostrum ante susceptionem crucis, iter peregrinationis arripere voluerit, alter qui remanebit, terram illius qui in peregrinatione erit, & homines sicut sua propria & dominica, fideliter custodiet, & manu tenebit. Postquam vero Deo volente crucem susceperimus, homines nostros, qui nobiscum ibunt

ibunt faciemus jurare, quod si alteruter nostrum in via decesserit, quod Deus avertat, ita illi qui superstes erit, fideliter servient, sicut servient domino suo, si vivus esset, quamdiu in terra Jerusalemiana morari vellent. Pecuniam vero defuncti habebit vivus ad faciendum Servitium Christianitatis, præter partem illam, quam ante iter suum certis locis & certis personis dandam decreverit. Et si uterque nostrum decesserit, eligemus si Deus nobis spatium indulerit de probis & fidelibus hominibus nostris, quibus committetur pecunia utriusque nostrum; ad faciendum Servitium Christianitatis, & qui ducent & regent homines nostros, antequam etiam iter arripiamus post susceptam crucem, faciemus illos jurare, quos custodes & gubernatores constituemus terrarum nostrarum, Quod ipsi bona fide, cum omne posse suo, si necesse fuerit sese ad invicem jurabunt ad defendendum terras nostras, cum ab invicem requisiti fuerint, Quod illi, quos ego Henricus Rex Angliæ præfecero ad gubernandum terras meas cum omni posse suo jurabunt ad defendendum terras Lodovici Regis Franciæ domini mei, quemadmodum terras meas defenderent si civitas mea Rothomagi obsessa esset. Et eodem modo quod illi quos ego Lodovicus Rex Franciæ præfecero, ad gubernandum terras meas cum omni posse suo jurabunt ad defendendum terras Henrici regis Angliæ, quemadmodum terras meas defenderent, si civitas mea Parisius obsessa esset. Volo etiam quod mercatores, & omnes homines tam clerici quam laici de terra sua cum omnibus rebus suis securi sint & pacem habeant per omnes terras meas. Et ego Henricus Rex Angliæ similiter volo, quod mercatores, & omnes homines tam Clerici, quam laici de terra regis Franciæ domini mei, cum omnibus rebus suis securi sint, & pacem habeant per omnes terras meas. Hæc autem suprascripta nos firmiter observaturos promissimus, & juravimus, in præsentia venerabilis Petri tunc S. Chrysostomi presbyteri Cardinalis, Apostolicæ sedis legati, & in præsentia Richardi Wintoniensis Episcopi, & Johannis Carnotensis Episcopi, & Henrici Batocensis Episcopi, & Rogerii Sagienfis Episcopi, & Egidii Ebrouensis Episcopi, & Henrici Regis Angliæ filii, & Comitis Theobaldi, & Comitis Roberti, & Petri de Curterai, & Comitis Simonis Ebrouensis, & Willielmi de Humez, & multorum aliorum tam clericorum quam laicorum.

Adrianus Episcopus Servus Servorum Dei, Carissimo in Christo filio illustri Anglorum Regi, Salutem, & Apostolicam benedictionem.

Rad. de Dice-
to. Col. 519.
II. 60.
N. 37.

Laudabiliter satis & fructuose de glorioso nomine propagando in terris & æternæ felicitatis præmio cumulando in cælis, tua magnificentia cogitat, dum ad dilatandos Ecclesiæ terminos, ad declarandum plantaria de agro Dominico extirpanda sicut catholicus Princeps intendis, & ad id convenientius exequendum consilium Apostolicæ sedis exigit & favorem. In quo factio quanto altiori consilio & majori discretionem procedes, tanto in eo feliciter progressum te præstante Domino confidimus habiturum, eo quod ad bonum exitum semper & finem soleant attingere quæ de ardore fidei & religionis amore principium acceperunt. Sane Hiberniam & omnes insulas quibus sol Justitiæ Christus illuxit, & quæ documenta fidei Christianæ receperunt, ad jus beati Petri & Sacrosanctæ Romanæ Ecclesiæ, (quod tua etiam nobilitas recognoscit) non est dubium per-

tinere.

tinere, unde tanto in eis libentius plantationem fidem & germen Deo gratum inferimus, quanto id a nobis interno examine districtius prospiciamus exigendum.

Significasti siquidem nobis, fili in Christo Karissime, te Hyberniam insulam, ad subdendum illum populum legibus, et viciorum plantaria inde extirpanda velle intrare, & de singulis domibus annuam unius denarii beato Petro velle solvere pensionem, & jura Ecclesiarum illius terræ illibata et integra conservare. Nos itaque pium et laudabile desiderium tuum favore congruo prosequentes, et petitioni tuæ benignum impendentes assensum, gratum et acceptum habemus, ut pro dilatandis Ecclesiæ terminis, pro viciorum restringendo decursu, pro corrigendis moribus et virtutibus inferendis, pro Christianæ religionis augmento insulam illam ingrediaris, et quæ ad honorem Dei et Salutem illius spectaverint exequaris, et illius terræ populus honorifice te recipiat, et sicut dominum veneretur, jure nimirum Ecclesiarum illibato, et integro permanente, et Salva beato Petro et Sacrosanctæ Romanæ Ecclesiæ de singulis domibus annua unius denarii pensione.

Si ergo quod concepisti animo effectum duxeris prosequente complendum, fude gentem illam bonis moribus informare, et agas, tam per te quam per illos quos ad hoc fide, verbo, et vita idoneos esse perspexeris, ut decoretur ibi Ecclesia, plantetur et crescat fidei Christianæ religio, et quæ ad honorem Dei et Salutem pertinent animarum saliter ordinentur, ut et a Deo sempiternæ mercedis cumulum consequi merearis, et in terris gloriosum nomen valeas in sæculis optinere.

Anno igitur Dominicæ Incarnationis MCLXXII primo autem anno, quo illustrissimus Anglorum Rex et Hiberniæ triumphator ipsam insulam acquisivit, Christianus Lismoriensis Episcopus & Apostolicæ sedis Legatus, Donatus Cassiliensis, Laurentius Dubliniensis, et Catholitus Tuomeniensis, Archiepiscopi, cum suffraganeis suis et Co-episcopis, Abbatibus quoque, Archidiaconis, Prioribus, et Decanis et multis aliis Hiberniæ Ecclesiæ Prælati, ex ipsius triumphatoris mandato, in civitate Cassiliensi conveniunt et de utilitate Ecclesiæ, et Statu ejus in meliorem formam producendo, ibidem concilium celebrarunt. Huic consilio interfuerunt ipsi a rege missi: venerabilis vir Radulfus Abbas de Buldewas, Radulfus Archidiaconus de Landaff, Nicolaus Capellanus, et alii Clerici, et nuncii domini Regis. Concilii autem Statuta subscripta sunt, et regis sublimitatis autoritate firmata.

Giraldus Cambriae
lib. 1. Ex
Hibern. c.
f. 776. n.
N. 3.

Capitula.

I. Ut sint legitima Matrimonia, nec inter cognatos et affines.

Primo, Statutum est, quod universi fideles per Hiberniam constituti, repudiato cognatorum et affinium contubernio, legitima contrahant Matrimonia et observent.

* Filetes in
Christo.

II. Ut infantes catechizentur, & in ipsis Ecclesiis baptizentur.

Secundo, quod infantes ante fores Ecclesie catechizentur, & in sacro fonte in ipsis baptismalibus Ecclesiis baptizentur.

III. Ut decimæ persolvantur.

Tertio, quod universi fideles Christi decimas animalium, frugum, ceterarumque proventionum, Ecclesie, cujus fuerint parochiani persolvant.

IV. Ut terræ Ecclesiasticæ ab omni secularium exactione sint immunes.

In quarto, quod omnes terræ Ecclesiasticæ, & earum possessiones, ab omnium secularium hominum exactione penitus sint immunes. Et specialiter quod nec Reguli, nec Comites, nec aliqui potentes viri Hiberniæ, nec eorum filii cum familiis suis, cibaria & hospitalitates, in territoriis Ecclesiasticis, secundum consuetudinem exigant, nec amodo violenter extorquere presumant; & quod de villis Ecclesiarum cibis ille detestabilis, qui quater in anno a vicinis Comitibus exigitur de cetero nullatenus exigatur.

V. Ut quando aliqui componunt pro homicidio, clerici licet cognati nihil persolvant.

In quinto, quod pro homicidio a laicis perpetrato, quoties inde cum suis inimicis componunt, clerici videlicet eorum cognati nihil inde persolvant, sed sicut in homicidii perpetratione, sic in pecuniæ solutione sint immunes.

VI. Ut omnes faciant testamentum.

Sexto, quod universi fideles in infirmitate positi, confessore suo & vicinis astantibus, cum debita solemnitate testamentum condant, bona sua mobilia, dummodo uxores & liberos habeant (ære alieno & servitiorum mercede exceptis) in tres partes dividant: unam liberis, alteram uxori legitimæ, tertiam propriis exequiis relinquentes. Et si forte prolem legitimam non habuerint, bona ipsa inter ipsum & uxorem in duo media dividantur. Et si legitima uxor decesserit, inter ipsum & liberos bipartiri debent.

VII. Ut extrema officia mortuis reddantur.

Septimo, ut cum bona confessione decedentibus, & Missarum & vigiliarum exhibitione, & more sepeliendi, obsequium debitum persolvatur.

VIII. Ut divina officia ritu Anglicano fiant.

Octavo, itaque omnia Divina ad instar Sacrosanctæ Ecclesie juxta quod Anglicana observat Ecclesia, in omnibus partibus Ecclesie amodo tractentur. Dignum etenim & iustissimum est, ut sicut dominum Regem ex Anglia sortita est divinitus Hibernia; sic etiam exinde vive

formam accipiat meliorem. Ipsi namque regi magnifico tam Ecclesiam quam Regnum Hibernia debet, quicquid de bono pacis & incremento religionis hactenus est assecuta. Nam ante ipsius adventum in Hiberniam, multimoda malorum genera, a multis retro temporibus ibidem emerferant, quæ ipsius potentia & munere in defuetudinem abiit.

Ardmachienensis vero primas, ob corporis imbecillitatem, & grandævitetatem, tum præsens non fuerat. Sed postea Dubliniam venit, regie dispositioni per omni favorem præbens, vulgi opinione vir sacer, vaccam candidam, cujus solum lacte vescabatur, secum, quocunque venerat, circumducens.

The Reason of the first three Constitutions is rendered by Benedictus Abbas, p. 39. b. & 40. a.

Mos prius erat per diversa loca Hiberniæ, quod statim cum puer nasceretur, pater ipse vel quislibet alius, Eum ter mergeret in aqua, & si divitis fuerit filius, ter mergeretur in lacte, & postea solebant Aquam illam & lac illud projicere in Cloacks suis vel aliis locis immundis.

Præceperant etiam in illo Concilio decimas dari viris Ecclesiasticis de omnibus quæ possidebant; plerique enim illorum nunquam decimas dederant, nec etiam sciebant, si dare debent.

Præterea præceperunt in eodem Concilio, ut Latet qui uxores habere velent, eas sibi Copularent, Jura Ecclesiastica. Plerique enim illorum, quot volebant uxores habebant, & etiam Cognatas suas germanas, habere solebant sibi uxores.

This is all this Author hath of this Council.

Hic est finis, & Concordia, quæ facta fuit apud Windeshores in octavis sancti Michaelis, anno gratiæ millesimo centesimo septagesimo quinto, inter dominum Regem Angliæ Venericum filium Matildis Imperatricis & Rodericum Regem Conactæ per Catholicum Tuamensem Archiepiscopum & Abbatem Cantuariensem Sancti Brandani, & magistrum Laurentium cancellarium Regis Conactæ. Scilicet quod Rex Angliæ concedit prædicto Roderico ligio homini suo, Regi Conactæ, quamdiu ei fideliter serviet, ut sit Rex sub eo paratus ad servitium suum, sicut homo suus, & ut teneat terram ita bene, & in pace sicut tenuit antequam dominus Rex Angliæ intraret Hiberniam; reddendo ei tributum, & totam aliam terram, & habitatores terræ habeat sub se, & justiciet ut tributum Regi Angliæ integre persolvant, & per manum ejus; & sua jura sibi conferant, & illi qui modo teneant, teneant in pace quamdiu manserint in fidelitate Regis Angliæ, & ei fideliter & integre persolverint tributum & alia jura sua, quæ ei debent per manum Regis Conactæ, salvo in omnibus jure & honore domini Regis Angliæ & suo. Et si qui ex eis Regi Angliæ & ei rebelles fuerint, & tributum & alia jura Regis Angliæ per manum suam solvere noluerint, & fidelitate Regis Angliæ receperint, ipse eos justiciet & amoveat. Et si eos per se substituere non poterit, Constabularius Regis Angliæ & familia sua de terra illa, jubeant eum ad hoc faciendum; cum ab ipso fuerint requisiti, & ipsi viderint quod necesse fuerit. Et propter hunc finem reddit prædictus Rex Conactæ domino

Nov. f. 3.
b. n. 20. l.
Abb. p. 69.
N. 39.

* His Forc

* Wexfordia.

domino Angliæ tributum singulis annis scilicet, de singulis decem animalibus unum corium placabile mercatoribus, tam de tota terra sua quam de aliqua. Excepto quod de terris illis, quas dominus Rex Angliæ retinuit in dominio suo, & in dominio Baronum suorum, nihil se intro-mittet, scilicet Divitiarum cum pertinentiis suis, & Mida cum omnibus per-tinentiis suis, sicut unquam Hurchardus Dux Legblin eam melius & plenius tenuit, aut aliqui, qui eam de eo tenuerunt. Et excepta * Wale-sfordia, cum omnibus pertinentiis suis scilicet cum tota Lagenta. Et excepta Waterfordia, cum tota terra illa quæ est a Waterforde usque ad Duncaruan, ita quod Duncaruan sit cum omnibus pertinentiis suis in-fra terram illam. Et si Hibernenses qui auferunt, redire voluerint ad terram Baronum Regis Angliæ, redeant in pace, reddendo tributum prædictum quod alii reddunt, vel faciendo antiqua servitia, quæ facere solebant pro terris suis. Et hoc sit in arbitrio & voluntate dominorum suorum. Et si aliqui eorum redire noluerint ad dominum eorum Regem Conatæ, ipse cogat eos redire ad terram suam, & ibi remaneant, & pacem habeant, & Rex Conatæ accipiat obsoles, ab omnibus quos ei commisit dominus Rex Angliæ, ad voluntatem domini Regis & suam. Et ipse dabit obsoles ad voluntatem domini Regis Angliæ, illos vel alios, & ipsi servient domino regi de canibus & avibus suis singulis an-nis, de præsentibus suis. Et nullum omnino de quacunque terra domini Regis sit, retinebunt contra voluntatem & mandatum domini Regis. His testibus. Richardo Episcopo Wintoniæ: Gaufrido Episcopo Eliensi: Laurentio Diviliensis Archiepiscopo, Gaufrido, & Ri-cholao, & Rogero capellani Regis; Willielmo Comite de Exesse, Richardo de Luci, Gaufrido de Pertico, Reginaldo de Coitinea & aliis multis.

Charta R. Henr. II. de Libertatibus Ecclesiæ & Regno concessis, Anno ejus primo, vel circiter.

A.D. 1155.
N. 40.
Spelm. Concil.
Vol. 2. f. 51.
Concedit omnes Consuetudines, quas Rex Hen. I. concessit.

Præcipit, ut Ecclesia, & omnes homines sui eas te-neant quiete.

HENRICUS, Dei gratia, Rex Angliæ, Dux Normanniæ et Aquitanie, Comes Andagaviæ, Baronibus et fidelibus suis Francis et Anglis salutem. Sciatis me ad honorem Dei, et Sanctæ Ecclesiæ, et pro communi emendatione totius regni mei, concessisse et reddidisse, et præsentî Chartam confirmasse Deo et Sanctæ Ecclesiæ, et omnibus Comitibus et Baronibus, et omnibus hominibus meis, omnes consuetudines quas Rex Henricus, avus meus, eis dedit et concessit. Similiter etiam omnes malas consuetudines, quas ipse delevit et remisit, ego remitto, et deleri concedo pro me et hæredibus meis. Quare volo et firmiter præcipio, quod Sancta Ecclesia, et omnes Comites et Barones, et omnes mei homines, omnes illas consuetudines, et donationes et libertates, et libera consuetudines, habeant et teneant, libere et quiete, bene et in pace et integre, de me et hæredibus meis, sibi et hæredibus suis, adeo libere et quiete et plenarie in omnibus, sicut Rex Henricus avus meus eis dedit et concessit, et Char-tam suam confirmavit. Teste Richardo de Luci.

Consuetudines

Consuetudines quas avitas Vocabant, Assisa, vel Ordinationes de Clarendon, Anno Domini 1164.

ANNO ab Incarnatione Domini millesimo centesimo sexagesimo quarto Papatus Alexandri anno quarto illustrissimi Regis Anglorum Henrici secundi anno decimo. In præsentia ejusdem Regis facta recordatio & recognitio cujusdam partis consuetudinum & libertatum & dignitatum antecessorum suorum, videlicet Regis Henrici avi sui, & aliorum, quæ observari & teneri debent in regno. Et propter dissensiones & discordias quæ emergerant inter Clerum, & Justitias Domini regis, & Barones regni, de consuetudinibus & dignitatibus: Facta est ista recognitio coram Archiepiscopis & Episcopis, & Clero, & Comitibus, & Baronibus, & Proceribus regni; Et easdem consuetudines recognitas per Archiepiscopos, & Episcopos, & Comites, & Barones, & per nobiliores & antiquiores regni; Thomas Cantuariensis Archiepiscopus, & Rogerus Eboracensis Archiepiscopus, & Gilebertus Londoniensis Episcopus, & Henricus Wintoniensis Episcopus, & Nigellus Eliensis Episcopus, & Willielmus Norwicensis Episcopus, & Robertus Lincolnensis Episcopus, & Hilarius Cicesterensis Episcopus, Jocelinus Salesberiensis, & Richardus Cestrensis Episcopus, & Bartholomæus Exoniensis Episcopus, & Robertus Herefordensis Episcopus, & David Menevensis Episcopus, & Rogerus Wigornensis electus concesserunt, & in verbo veritatis, viva voce firmiter promiserunt tenendas & observandas Domino Regi & heredibus suis, bona fide, & absque malo ingenio præsentibus istis, Roberto Comite Leicestræ, Reginaldo Comite Cornubiæ, Conano Comite Britaniæ, Johanne Comite de Aung, Rogerio Comite de Clare, Comite Gaufrido de Mandevilla, Hugone Comite Cestrie, Willielmo Comite de Arundel, Comite Patricio —, Willielmo Comite de Ferrariis, Richardo de Luci, Reginaldo de Sancto Walerico, Rogerio Bigot, Reginaldo de Warenna, Richerio de Aquila, Willielmo de Braiosa, Richardo de Camvilla, Nigello de Mowbray, Simone de Bello Campo, Humfrido de Bohun, Matheo de Herefordia, Waltero de Meduana, Manacero de Biset Dapifero, Willielmo Malet, Willielmo de Curci, Roberto de Danestavilla, Jocelino de Baillio, Willielmo de Vallibus, Willielmo de Laisneto, Gaufrido de Vere, Willielmo de Hastings, Hugone de Meravilla, Alano de Newilla, Simone filio Petri, Willielmo Malduit Camrario, Johanne Malduit, Johanne Mariscallo, Petro de Mara; & multis aliis Proceribus & Nobilibus regni, tam Clericis quam Laicis. Consuetudinum vero & dignitatum regni recognitarum quædam pars præsentî scripto continetur. Cujus partis Capitula sunt hec.

I. DE Advocacione & Presentatione Ecclesiarum, si Controversia emerferit inter Laicos, vel Laicos & Clericos, in Curia Domini regis tractetur & terminetur. Primum hoc damnavit Sancta Romana Ecclesia sub Alexandro Papa tertio.

II. Ecclesia & feudo Domini Regis non possunt in perpetuum dari absque assensu & consensione ipsius. Hoc Toleravit.

F 2

III. Clerici

Quadrilo lib. 1. in capio.
N. 4

Chronic. Gervas. I. robern. C. 1386. n. 100. n. 30. Quadrilo supra.

III. Clerici creati, & accusati de quacunque re summoniti a iustitia Regis, venient in Curiam ipsius, responsuri ibidem de hoc unde videbitur Curia Regis quod sit ibi respondendum, & in curia Ecclesiastica, unde videbitur quod sit ibi respondendum, ita quod Iustitia Regis mittet in curiam Sanctæ Ecclesiæ, ad videndum qua ratione res ibi tractabitur. Et si clericus convictus vel confessus fuerit, non debet de cetero Ecclesiæ eum tueri. Hoc damnavit.

IV. Archiepiscopis, Episcopis, & personis regni, non licet exire de regno absque licentia Domini Regis, & si exierint, si domino regi placuerit, assecurabunt quod nec in eundo, nec in moram faciendo nec in redeundo perquirent malum, vel dampnum Domino Regi, vel regno. Hoc damnavit.

V. Excommunicati non debent dare Gladium ad remanens, nec prestare juramentum, sed tantum Gladium, et plegium standi Iudicio Ecclesiæ ut absolvantur. Hoc damnavit.

VI. Laici non debent accusari, nisi per certos & legales accusatores & testes in presentia Episcopi, ita quod Archidiaconus non perdat jus suum nec quicquam quod inde habere debeat, & si tales fuerint qui culparent, quod non velit, vel non audeat aliquis eos accusare, Vicecomes requisitus ab Episcopo, faciet jurare xii legales homines de visneto, seu de villa coram Episcopo, quod inde veritatem secundum conscientiam suam manifestabunt. Hoc toleravit.

VII. Nullus qui de Rege teneat in Capite, nec aliquis Dominicorum ministrorum ejus excommunicetur, nec terræ alicujus illorum sub interdicto ponantur, nisi prius Dominus Rex si in terra fuerit conveniatur, vel Iusticia ejus si extra Regnum fuerit, ut rectum de ipso faciat, & ita ut quod pertinebit ad Curiam Regiam ibidem terminetur, & de eo quod spectabit ad Ecclesiasticam Curiam ad eandem mittatur, ut ibidem tractetur. Hoc damnavit.

VIII. De appellationibus si emerferint, ab Archidiacono debent procedere ad Episcopum, ab Episcopo ad Archiepiscopum. Et si Archiepiscopus defuerit in iustitia exhibenda, ad Dominum Regem est perveniendum postremo, ut præcepto ipsius in Curia Archiepiscopi contraversa terminetur, ita quod non debet ulterius procedere absque assensu Domini Regis. Hoc damnavit.

IX. Si calumpnia emerferit inter Clericum & laicum, vel inter laicum & Clericum de illo tenemento quod Clericus velit ad elemosinam attrahere, laicus vero ad laicum feudum, recognitione xii legalium hominum per capitalis iustitiæ regis consuetudinem terminabitur; utrum tenementum sit pertinens ad elemosinam sive ad feudum laicum, coram ipsa Iustitia Regis. Et si recognitum fuerit ad elemosinam pertinere, placitum erit in Curia Ecclesiastica: Si vero ad laicum feudum, nisi ambo de eodem Episcopo vel Barone advocaverint, erit placitum in Curia Regis. Sed si uterque advocaverit de feudo illo, eundem Episcopum vel Baronem erit placitum in curia ipsius, ita quod propter factam recognitionem iustitiam non amittat, qui prius iusticiatus fuerat. Hoc damnavit.

X. Qui

X. Qui de Civitate, vel Castello, vel Burgo, vel Dominico Manerio domini Regis fuerit, si ab Archidiacono vel Episcopo de aliquo delicto citatus fuerit unde debeat eis respondere, & ad citationes eorum noluerit satisfacere, bene licet cum sub interdicto ponere, sed non debet excommunicari priusquam Capitalis minister regis villæ illius conveniatur, ut iustitiet cum ad satisfactionem venire. Et si minister inde defecerit ipse erit in misericordia Domini Regis, & exinde poterit Episcopus accusatum Ecclesiastica iustitia coercere. Hoc damnavit.

XI. Archiepiscopi, & Episcopi & universæ personæ regni, qui de rege tenent in Capite, habent possessiones suas de Domino rege sicut Baroniam, & inde respondent iusticiis, & ministris regis, & sequuntur & faciunt omnes rectitudines & consuetudines regias, & sicut Barones ceteri debent interesse Iudiciis Curie Regis cum Baronibus, usque perveniat in iudicio ad diminutionem membrorum vel ad mortem. Hoc toleravit.

XII. Cum vacaverit Archiepiscopatus vel Episcopatus, vel Abbatia, vel Prioratus de Dominio regis, debet esse in manu ejus, & exinde percipiet omnes redditus & exitus sicut Dominicos. Et cum ventum fuerit ad consulendum Ecclesiæ, debet Dominus Rex mandare propter potentiores personas Ecclesiæ, & in capella ejus debet fieri electio assensu Domini Regis & Consilio personarum regni quas ad hoc faciendum vocaverit, & ibi faciet electus homagium, & fidelitatem Domino Regi sicut legio Domino de vita & membris & de honore suo terreno, salvo ordine suo, priusquam sit consecratus. Hoc damnavit.

XIII. Si quisquam de proceribus regni defortiaverit Archiepiscopum, vel Episcopum, vel Archidiaconum de se vel de suis iusticiam exhibere, Dominus Rex debet iusticiare. Et si forte aliquis defortiaret Domino regi rectitudinem suam, Archiepiscopi, Episcopi, & Archidiaconi, debent eum iusticiare, ut Domino regi satisfaciatur. Hoc toleravit.

XIV. Catalla eorum qui sunt in forisfacto regis non detineant Ecclesiæ vel cimiterium contra iusticiam regis, quia ipsius regis sunt sive in Ecclesiis, sive extra fuerint inventa. Hoc toleravit.

XV. Marita de debitis que fide interposita debentur, vel absque interpositione fidei sint in Iusticia Domini regis. Hoc damnavit.

XVI. Filii Rusticorum non debent ordinari absque assensu Domini, de cuius terra nati esse dignoscuntur. Hoc toleravit.

These Ordinances or Statutes of Clarendon, were sent to Pope Alexander the Third to be confirmed; but notwithstanding the great opportunity used to persuade him to it, he damn'd most, and only tolerated others, as we find it in Labbe's Tenth Tome of the Councils, Col. 1431. C. &c. and according to the Addition to every Article as above noted.

Stabilimentum

Stabilimentum factum apud Rothomagum inter
Clericos & Barones Normanniæ.

Historia Nor-
man. Antiqu.
Scriptor. f.
109.

N. 42.

Ego Reginaldus Comes Bononiæ, & ego Gulielmus Martel, & ego
Henricus de Estotville, & ego W. Cambellanus Tanquarville, &
ego Radulfus Tesson, & ego Robertus de Vestieral, & ego Johannes de
Pratella, & ego Henricus de Ferrariis, & ego Ph. de Nance, & ego
W. de Mortuo mari, & ego Robertus de Torci, & ego W. de Seranz,
& ego Fulco Paganelius, & ego W. de Homet, & ego Stephanus de
Longocampo, & ego Hugo de Coluncea, & ego Robertus de Wesneat,
& ego W. de Pratill. & ego Johannes de Roboreto, & ego Odo Castel-
lanus Beluaci, & ego Nich. de Montegniaco, & ego Thomas de Proai-
williaco, & ego Rogerius de Mellento, Notum facimus universi, quod
nos juravimus super Sacrosancta, quod iura que Henricus & Richar-
dus quondam Reges Angliæ habuerunt in Normannia adversus Cle-
ricum, & apud Lexovium & alibi, & iura nostra diceremus. Nos
autem per Sacramentum nostrum diximus, quod vidimus tempore Hen-
rici & Richardi quondam Regum Angliæ, quod si Ecclesia pertinet
ad donationem laicæ persone vacaret, si ille ad quem donatio illius
Ecclesiæ pertinebat, præstaret idoneam personam Archiepiscopo,
vel Episcopo, in cuius Diocesi sita esset Ecclesia illa; Archiepiscopus
vel Episcopus eandem personam de iure recipere tenebatur, nisi alius
contenderet præsentationem illius Ecclesiæ ad se pertinere. Si vero
de iure patronatus contentio oriretur, Archiepiscopus vel Episcopus
nunquam posset alicui conferre Ecclesiam illam, nec aliquem recipere ad
Ecclesiam illam, donec contentio in Curia Domini Regis, vel in Cu-
ria illius, de cuius feodo movet Ecclesia, terminaretur. Quando ve-
ro causa terminata esset in Curia Domini Regis, aut in Curia illius,
de cuius feodo movebat Ecclesia, Archiepiscopus, vel Episcopus, ad
testimonium literarum patentium Domini Regis, vel Baillivi sui in
cuius Curia causa esset terminata, vel illius de cuius feodo movebat
Ecclesia, deberet recipere idoneam personam, quam præstaret illi, cui
adjudicatum esset ius patronatus illius Ecclesiæ.

Item diximus per Sacramentum nostrum, quod Archiepiscopus, vel
Episcopus, vel alia inferior Ecclesiastica persona non debet ferre sen-
tentiam excommunicationis in Barones, vel in Baillivos, aut in
Serbientes Domini Regis, aut in Clericos domus suæ, Rege non
requisito, vel suo Senescallo.

Item diximus per Sacramentum nostrum, quod nulla Ecclesiastica
persona debet aliquem trahere in causam pro fide, vel pro Sacramen-
to quod fiat de laico feodo, vel catallo hominis laici. Sed si fides
data fuerit de catallo maritagii, vel de legato mortui, vel de catallo
Clerici, vel Crucesignati, de causa illa bene possunt iudicare.

Item diximus per Sacramentum quod non vidimus tempore Hen-
rici & Richardi quondam Regum Angliæ, quod aliquis redderet deci-
mas de feriis, aut de generis, aut de fossis, ubi prius fuerint decimæ.
Item

Item diximus per Sacramentum nostrum, quod vidimus Henricum, &
Richardum quondam Reges Angliæ tenentes placitum spatæ in civitate &
banleva Lexovii, postquam Arnulfus Lexoviensis Episcopus recessit a N.r-
mannia exul hac de causa.

Item diximus per Sacramentum nostrum, quod in feodo terra Gor-
nani, & Feritatis, & Gallefontis, non debet Archiepiscopus tenere nisi
tantum tria placita, scilicet de maritagio, de Legato mortui, & de
Catallo Clerici.

Item diximus per Sacramentum nostrum super hoc quod Archiepisco-
pus petit apud Louers, quod Richardus quondam Rex Angliæ fecit ei ex-
cambium, & inde dedit ei Cartam suam. Et Dominus Rex faciet ei
justitiam secundum tenorem Cartæ suæ, si ei placuerit.

Item diximus per Sacramentum nostrum de Clerico, qui tenet lai-
cum feodum, quod si Clericus injuriosus existit Domino, a quo tenet
feodum, super feodo illo; Dominus teodi potest facire omnia catalia
clerici, quæ invenerit super feodum, de quocunque loco venerint, donec
ei satisfecerit de his que pertinent ad laicum feodum.

Item diximus per Sacramentum nostrum, quod si Clericus teneat
aliquid de quo conquærat laicus, & Clericus dicat se tenere illud no-
mine elemosynæ, per Sacramentum legalium hominum patriæ recognos-
cetur, utrum sit laicum feodum an elemosynæ, & hoc in Curia Domini
Regis. Similiter si laicus tenet rem, quam Clericus dicit esse suam
nomine elemosynæ, recognoscetur similiter in Curia Domini Regis,
per Sacramentum legalium hominum patriæ.

Item diximus per Sacramentum nostrum de rebus usurarii, quod quan-
diu usurarius est in lecto egritudinis, si distribuat res suas propria
manu sua, stabile est. Post mortem vero usurarii, omnes res suæ Domini
Regis erunt, si probatum fuerit quod infra annum ante mortem com-
modaverit ad usuram.

Item diximus de illo qui moritur intestatus, si jacuerit in lecto egritu-
dinis per tres dies aut per quatuor; omnia mobilia ipsius Domini Re-
gis debent esse, aut illius in cuius terra est, de illo qui se interfecit
spontaneus.

Item diximus de treuga, quod si aliquis vulnerat alium, unde debet
perdere membrum, aut vitam, placitum remanebit in Curia Domini
Regis, si conquerens vult prosequi causam; & Ecclesia habebit emendam
suam usque ad IX. libr. si accusatus fuerit convictus, & Dominus Rex
habebit totum residuum. Treuga vero durat a die Mercurii sero,
usque ad diem Lunæ mane.

Item diximus, quod si Clericus capiatur quacunque ex causa & Ec-
clesia eum requirat, reddi debet Ecclesiæ. Et si convictus fuerit de
furto, vel de homicidio, degradabitur, & abjurabit terram, nec aliter
pro delicto illo punietur, nec poterit postea intrare terram sine licentia Do-
mini Regis, quin de ea fiat justitia. Si vero postea aliquid forfecerit,
Dominus Rex de illo faciet justitiam sicut de laica persona.

Notum

Notum facimus præterea, quod iura Domini Regis, & nostra, quæ n. bis memoriæ occurrerant, sicut vidimus tempore Henrici & Richardi Regum ea observari, advocato consilio prudentium virorum, scilicet Richardi de Villequier, Richardi de Argentiis, Richardi de Fronteneto & Raulphi Labe, & quorundam aliorum, bona fide scripsimus, pro iure Domini Regis, & nostro conservando. Et quia iura Domini Regis & nostra nobis memoriæ non occurrerant, & quia quidam de Baronibus Normannia præsentibus non erant; decrevimus inter nos, quod ad aliam diem conveniremus, & Barones absentes advocaremus, si Domino Regi placeret. Et tunc iura Domini Regis & nostra, quæ hic scripta non sunt, per Sacramentum nostrum scribemus. Huic autem scripto sigilla nostra dignum duximus apponenda. Actum Rothom Anno Domini MCC. quinto, mense Novembr. Dominica post octavam omnium Sanctorum.

Mat. Paris. f.
101. n. 50.
A. D. 1164.
N. 43.

Alexander Episcopus, &c. Ad aures nostras, fraternitas tua noverit fuisse perlatum; quod occasione cuiusdam excessus, a Missarum propositu celebratione cessare, et a consecratione corporis & sanguinis Domini abstinere. Quod utique quam grave sit, præcipue in tanta persona, & quantum inde possit scandalum provenire, sollicita meditatione consideres; & hoc ipsum vigilantia tue discretionis attendat. Debet autem prudentia tua diligenter advertere; quid plurimum interest, quando ex deliberatione & propria voluntate, & quando ignorantia vel necessitate aliqua committuntur. Nam (sicut legitur) usque adeo voluntarium est peccatum, quod nisi sit voluntarium non sit peccatum. Si igitur aliquid recolo te commississe, de quo te debeat propria conscientia remordere: quicquid sit, Sacerdoti, qui discretus & providus habetur, tibi consulimus per penitentiam confiteri: quo facto miserator & misericors Dominus, qui nihil plus ad cor respicit quam ad auctus; tibi, consueta pietatis sue misericordia dimittet. Et nos de Beatorum Petri & Pauli Apostolorum ejusque meritis confidentes; te, ab eo quod est commissum, absolvimus: & id ipsum fraternitati tue auctoritate Apostolica relaxamus; consules utique & mandantes, ut postea a Missarum celebratione, propter hoc non debeas abstinere.

Quadrilog.
lib. 5. Hoved.
c. 284. b. lin. 4.
A. D. 1164.
N. 44.

Hæ sunt constitutiones quas constituit Rex Henricus in Normannia; & mandavit Justitiis suis Richardo de Lurp & duobus Archidiaconis Galfrido Ridel Cantuariensi Archidiacono, & Richardo de Belcestria Pictavensi Archidiacono & omnibus principibus & populis Angliæ jurandas, & servandas. Latores earum fuerunt Guillelmus Presbyter, & Walterus de Grimesby.

Si quis inventus fuerit ferens litteras Domini Pape vel aliquod mandatum Archiepiscopi Cantuariensis continens interdictum Christianitatis, in Angliam, capiatur & de eo sine dilatione Justitia fiat, sicut de traditore Regis & regni.

Cap. 2. Præterea nullus clericus vel monachus vel conversus, vel alienus conversionis permittatur transfretare vel redire in Angliam nisi de transitu suo habeat litteras Justitiæ & de reditu suo litteras Domini Regis. Si quis aliter inventus fuerit agens capiatur & incarcerationetur.

Cap. 3. Ne

Cap. 3. Ne aliquis appellet ad Papam vel ad Archiepiscopum.

Cap. 4. Ne aliquod placitum teneatur de mandatis Pape, vel Archiepiscopi vel aliquod mandatum eorum in Anglia ab illo homo recipiatur. Si quis inventus fuerit aliter agens capiatur et incarcerationetur.

A Cap. 5. Generaliter quoque interdictum est, quod nullus ferat aliquod mandatum clerici vel laici Domino Pape vel Archiepiscopo, si talis inventus fuerit capiatur et incarcerationetur.

Cap. 6. Si Episcopi vel clerici, vel abbates, vel laici sententiam interdicti tenere voluerint, sine dilatione de terra ejiciantur, et tota eorum cognatio: ita quod de catallis suis nil secum ferant.

B Cap. 7. Ut Catalla omnium Pape vel Archiepiscopo faventium et omnes possessiones eorum, et omnium eis pertinentium, cujuscunque gradus sint vel sexus vel conditionis capiantur, et Dominica manu Domini Regis confiscantur.

C Cap. 8. Ut omnes Clerici qui redditus habent in Anglia sint summoniti per omnes comitatus; ut infra tres menses veniant in Angliam ad redditus suos, sicut diligunt suos reddunt, et si non venerint ad terminum statutum, redditus in manu Regis capiantur.

Cap. 9. Ut denarii Beati Petri non reddantur ulterius Apostolico sed diligenter serventur in Thesaurio Regis, expendanturque ad ejus præceptum.

D Cap. 10. Londoniensis et Norwicensis Episcopi sint in misericordia Regis, et summonentur per vicecomites et bedellos ut sint * contra Justitias Regis, ad rectum faciendum Regi, et Justitiis ejus de eo quod contra Statuta de Clarendonia interdixerunt ex mandato Pape terram Comitum Hugonis, et excommunicationem quam dominus Papa in ipsum fecerat per suas parochias divulgaverint sine licentia Justiciarum Regis.

* Vel contra Justitias Regis.

E Epistola missa Thome Cantuariensi Archiepiscopo a quodam amico suo.

F Thome Cantuariensi Archiepiscopo quidam amicus suus. Sciatis hunc esse tenorem mandatorum que Henricus Rex in Angliam misit. Scilicet, ut omnes portus cautissime custodiantur ne littere interdictiōis ullatenus deferantur. Et si aliquis litteras illas attulerit pedibus trunccetur. Si clericus, oculos & genitalia amittat, si laicus suspendatur. Si leprosus comburatur. Et si quis Episcopus ejus interdictum metuens recedere voluerit nihil secum deferat, præter baculum; Vult etiam ut omnes Scholares repatriare cogantur, aut beneficiis suis priventur; et qui remanserint sine spe remeandi remaneant, et Presbyteri qui cantare noluerint genitalia amittant, omnesque rebelles sibi beneficiis omnibus priventur. Valet.

Quadrilog.
lib. 4.
N. 45.

Epistola

Epistola beati Thomæ Cantuariensis Archiepiscopi ad Suffraganeos suos.

Hoved. f. 287.
b, n. 40. A. D.
1165.
N. 46.

Thomas Dei gratia Cantuariensis Ecclesie minister humilis, venerabilibus fratribus suis Lundoniensis, ceterisque totius Cantuariensis Provincie Episcopis, se transire per bona temporalia ut non amittant aeterna. Fratres mei dilectissimi, quare non confurgitis mecum adversus malignantes? Ut quid non statis mecum adversus operantes iniquitatem? An ignoratis quoniam dissipat Dominus ossa eorum, qui hominibus placent? confundentur, quoniam Dominus sprexit eos. satis novit discretio vestra, quoniam error cui non resistitur, approbatur, & veritas cum minime defendatur opprimitur. Videturque testante Gregorio consentire erranti, qui ad rescandam, quæ corrigi debent, non occurrunt. Inde est quod Dominum nostrum regem Angliæ satis, superque satis sustinimus: Nec ullum ex eo sustentia nostra affecta est Ecclesia Dei compendium. Periculosum & intolerabile de cætero nobis visum est, & tantos illius officialiumque suorum circa Ecclesiam Dei, & Ecclesiasticas personas excessus, ut hæcenus impunitos relinquere. Præsertim cum sapissime literis, & nuntiis, modisque aliis prout decuit, studuerimus a perverso proposito suo eum revocare. Et quoniam vix ab eo auditus sumus, nullatenus tamen exauditi, scriptum illud, in quo illæ non consuetudines, sed potius pravitates, quibus perturbatur & confunditur, ad præsens Anglicana Ecclesia, continentur, ipsiusque scripti Auctoritatem, invocata Spiritus Sancti gratia, publice condemnavimus & cassavimus universos etiam observatores, exactores, consiliarios, adjutores, seu defensores earum excommunicavimus. Omnesque vos Episcopos a promissione qua contra institutionem Ecclesiasticam, & ad eorum observationem tenebamini, auctoritate Dei & nostra absolvimus: Quis enim dubitat Sacerdotes Christi, regum & principum, omniumque fidelium, patres & magistros censeri. Nonne mirabilis insania esse cognoscitur, si filius patrem, discipulus magistrum sibi conetur subjugare, & iniquis obligationibus illum potestati suæ subicere: A quo credit non solum se in terra, sed etiam in cælis ligari posse, & solvi? Proinde ne in hujus sententiæ commissum incidamus, auctoritatem ipsius scripti, ipsumque scriptum cum pravitatibus quæ in eo continentur, in irritum duximus & cassavimus. Præsertim his. Quod non appelletur ad sedem Apostolicam super aliqua causa, nisi licentia Regis. Quod non liceat Archiepiscopo, vel Episcopo, exire de regno, & venire ad vocationem Domini Papæ, sine licentia Regis. Quod non liceat Episcopo excommunicare aliquem, qui teneat de Rege in capite, sine licentia Regis. Vel aliquem alium officialium suorum sub interdictione ponere: Quod non liceat Episcopo coercere aliquem de perjurio, vel fide laesa, quod clerici trahantur ad secularia iudicia, quod laici seu Rex seu alii trahant causas de Ecclesiis, vel decimis, & alia in hunc modum. Denuntiavimus etiam excommunicatum, & excommunicavimus ex nomine JOHANNEM de OXENFORD, qui in hæresim damnatam incidit, parando juramentum scismaticis, per quem scisma jam fere emortuum in Alemannia revixit & communicando

communicando etiam nominatissimo illi scismatico Reginaldo Coloniensi; et quia contra mandatum Domini Papæ, et nostrum Salesbiriensis Ecclesie decanatum sibi usurpavit. Quod quidem factum, tam detestabile tam juri contrarium, tam Ecclesie Dei exemplo perniciosum penitus cassavimus, et devocavimus in irritum. Præcipientes Episcopo Salesbiriensi, et capitulo in virtute obedientiæ, et in periculo ovinis sui, ne de cætero, visis literis nostris, ex eo facto cum decanatu haberent. Similiter & Richardum de Iwerestre denuntiavimus excommunicatum, & excommunicabimus, eo quod in eandem hæresim damnatam incidit, communicando Reginaldo Coloniensi scismatico, machinando etiam, & fabricando omnia mala cum scismaticis et Theutonicis illis in perniciem Ecclesie Dei, et præsertim Ecclesie Romanæ, ex pactis contrariis inter Dominum Regem et ipsos. Et communicabimus etiam Richardum de Luce, Jocelinum de Bassol: qui præbatarum illarum auctores & fabricatores extiterunt. Rationis etiam de Brac, qui bona Ecclesie Cantuariensis, quæ alimenta de jure sunt pauperum, occupavit, et detinet, hominesque nostros tanquam latrones cepit, et in captione detinet. Excommunicabimus etiam Hugonem de Sancto Claro, & Thomam filium Bernardi, qui ejusdem Ecclesie Cantuariensis bona, et possessiones absque conventu sive assensu nostro occupaverunt. Omnesque qui de cætero in possessiones et bona Ecclesie Cantuariensis contra voluntatem nostram, et consensum manus violentas extendent, eadem excommunicationis sententia innodavimus. Juxta illud Papa Lucii, Omnes Ecclesie raptiores, atque sacrum facultatum alienatores a liminibus ejusdem matris Ecclesie sequestratos anathematizantes damnamus, atque sacrilegos esse judicamus. Et non solum eos, sed etiam cum iis comprehendit consentientes. Et alibi dicit Scriptura. Qui consentit peccantibus & alium peccantem defendit, maledictus erit apud Deum, & apud homines; corripiturque increpatione severissima. Et iterum. Si quis peccantem defendit: Acrius quam qui peccavit cecreatur. Sane in Domini Regis personam sententiam adducere ferre distulimus, expectantes, si forte inspirante Divina gratia resipiscat; in proximo tamen eam saturi, nisi citius resipuerit. Et inde est, quod fraterpatri vestre mandamus atque in virtute obedientiæ præcipimus, quatenus viros prætaxatos, qui a nobis excommunicati sunt, vos quoque prout excommunicatos habeatis, et denunciari faciatis. Juxta illud decretum Honorii Papæ: Licitum sit omnibus Episcopis excommunicatorum suorum nomina, tam vicinis Episcopis, quam Parochianis suis pariter indicare, eaque in celebri loco posita præfatis Ecclesie, cunctis venientibus inciliare, quatenus in utraque diligentia excommunicationis, ubique Ecclesiasticis aditus denegetur, & excommunicationis causa omnibus auferatur. Tibi autem, (frater Episcopo Londoniensi) mandamus & in vi obedientiæ injungimus, quatenus literas presentes aliis fratribus, et Corépiscopis nostris, omnibus de provincia nostra manifestes & ostendas. Valete in Christo & pro nobis Constantiter orate.

Has litteras misit Henricus Rex Angliæ singulis
Vicecomitibus Angliæ in principio persecutionis
beati Thomæ.

Quadrilog.
lib. 4. A. D.
1166.

N. 47.

Precipio tibi quod si aliquis Clericus vel Laicus Bailivus tua Roma-
nam Curiam appellaverit cum capias & firmiter custodias donec
voluntatem meam percipiat; & omnes redditus & possessiones Archi-
episcopi factas in manum meam sicut Radulphus de Bock & alii mi-
nistri mei tibi dixerint; & omnium Clericorum qui cum Archiepiscopo
sunt, patres & matres, fratres & sorores, nepotes & neptes ponas per
salvo: plegios, & catalla eorum, donec voluntatem meam inde percipiant,
& hoc breve tecum afferas cum summonitus fueris.

Epistola Alexandri Papæ, ad Gillebertum Lon-
doniensem Episcopum, pro beato Thoma.

Hoved. f. 287.
a. n. 10. A. D.
1166.

N. 48.

Alexander Episcopus Servus Servorum Dei, venerabili fratri Gille-
berto Londoniensi Episcopo, Salutem & Apostolicam benedictionem.
Gaudemus autem & exultamus in Domino super ea devotione, ejusdem
Regis, quam tuis literis nobis significasti. Catervis quoniam cum volumus
devotum esse Ecclesiæ Dei et nobis, sicut ab ipso principio consuevit existere:
Rogamus fraternitatem tuam, monemus atque mandamus, quatenus
ipsum sollicitè ac diligenter scire et sapius per te et alios commoveas,
horteris modis omnibus, et inducas, ut ad ejusdem Ecclesiæ honorem
pariter et exaltationem solito modo intendat, et causam ipsius stren-
nue foveat, et manuteneat atque defendat. Ecclesias vero et Eccle-
siasticas personas diligit et honoret, et eorum jura conservet. Vene-
rabilem quoque fratrem nostrum Cantuariensem Archiepiscopum, in
amore et gratiam suam reducat. Nos enim si eam, quam incepti, beato
Petro et nobis reverentiam exhibuerit et honorem cum ferventi affectione
diligemus, et ad honorem et exaltationem ipsius, et conservationem regni
sibi commissi, modis omnibus, prout decernerit, intendemus. Malumus enim
ipsum in patientia & mansuetudine vincere, quam cum aliquo modo gra-
vare, Quamdiu id poterimus sustinere. Datum in gradu Mercurii unde-
cimo Kalend. Septembris.

Epistola

Epistola Gilleberti Londoniensis Episcopi ad
Alexandrum Papam de Responso Regis super
negotio Cantuariensis Archiepiscopi.

Patri suo & Domino summo Pontifici Alexandro, frater Gillebertus
Londoniensis Ecclesiæ minister, debitum sincere Charitatis humilif-
que obedientiæ famulatum. Mandatum vestrum (pater in Christo charis-
sime) debita veneratione suscipientes, illico filium vestrum Dominumque
nostrum, charissimum illustremque Anglorum Regem, in ipsis jam Gallie
finibus agentem exercitum, adiuimus. Et adjuncto vobis venerabili fra-
tre nostro Richardo Herefordensi Episcopo, juxta vestri formam man-
dati diligenter, & intente convenimus. Cui singula, quæ vestris nobis
sunt expressi literis, ante oculos ponentes, ipsum obsecrando, & quantum
regiam decebat majestatem arguendo, constanter, & instanter hortati
sumus ut de propositis sibi satisficeret, & si a rationis tramite deviaparat,
ad viam veritatis & justitiæ redire vestra per nos revocatus admonitione
non tardaret. A patre pie commonitus a pravis actibus omnino desis-
teret, Deum puro corde diligeret, & matrem suam sanctam Romanam
Ecclesiam solita veneratione respiceret: nec eam visitare volentes inhi-
beret, appellationes ad eam factas non impediret, & fratrem nostrum Domi-
num Cantuariensem benigne revocans & reducens, in beati Petri &
vestra reverentia firmus immobilisque persisteret, & pietatis intendens
operibus Ecclesiæ & Ecclesiasticas personas tam regni quam terre sue
non gravaret, nec per se nec per alium gravari permetteret. Sed ipsas
diligens regia protectione conservaret, ut ille per quem Reges regnant tem-
porale regnum sibi conservaret in terris, & æternum largiretur in Cælis.
Alioquin nisi monitis salutaribus adquiesceret Sanctitas vestra quæ hu-
cunque patienter sustinuit, ulterius in patientia sustinere non posset.
Ad hæc adjecimus timendum sibi fore, ne si errata non corrigeret, iram
omnipotentis Dei cito incurreret, ut nec regnum ejus diu staret, nec suos
prosperari permetteret. Sed qui humilem exaltaverat jamjam exaltatum ab
ipso regni culmine durius alidendo dejiceret. Ipse vero correptionem ve-
stram multa gratiarum actione suscipiens, multa animi temperantia
multaque modestia consequenter respondit ad singula. Imprimis
asserens, mentem suam a vobis se nullatenus avertisse, nec id unquam
propositi mente concepissem, quin dum paternam sibi gratiam exhibue-
ritis, vos ut patrem diligeret, & Sanctam Romanam Ecclesiam ut ma-
trem veneretur & foveat, & sacris institutionibus vestris, salva sibi qua
regni quæ sui dignitate, humiliter obtemperet & obediatur. Quod si
vos aliqua jamdiu reverentia non respexit, hanc hujus rei causam as-
serit, quod cum vobis in necessitate toto corde, tota mente, totis
viribus altiterit, sibi postmodum per nuntios in necessitate recurrenti
ad vos, digne pro meritis Sanctitatis vestra non respondit. Sed
in omni fere petitione sua se repititam sustinuisse conq. uerit &
erubescit. De paternam tamen confusus gratia, quæ filium cum voluit
exaudier, vultus sperans & expectans lætiores in beati Petri, & vestra,
ut dictum est, fidelitate, immobili constantia perseverat. Inde est,
quod Sanctitatem vestram visitare volentem nullum impedit: sed nec
dumtaxat ut asserit impeditur. In appellationibus ex antiqua sui
regni institutione, id sibi vendicat honoris & oneris, ut ob eam
causam,

ibid. b. li.

N. 49.

causam, nullus cler eorum regni sui, ejusdem regni finis exeat, nisi, an ipsius auctoritate & mandato jus suum obtinere queat, prius experiendo cognoscat. Quod si nec sic obtinuerit ad excellentiam vestram ipso in nullo reclamante, cum volet, quilibet appellabit. In quo si furi vestro vel horum prajudicatur in aliquo, id te totius Ecclesie regni sui eo filio creaturum in proximis, Domino jubante, polletetur. Imperatorem illum, esse scismaticum noverit, a vobis tamen excommunicatum esse usque hodie non rescivit. Quod si denuntiatione nostra rescit, ut scilicet illicitum cum ipso aut aliquo alio quolibet intit, & hoc Ecclesie regni sui iudicio, similiter & consilio se creaturum promittit. Patrem nostrum dominum Cantuariensem suo se regno nequaquam expulisse asserit. Unde sicut abesse ultro necus, sic ad Ecclesiam suam, cum sibi federis animo, plena pace sua revertendi sibi liberum erit. Dum tamen in satisfaciendo sibi super his, unde conqueritur, regias sibi & iniquas ipse iuratus est, vel dignitates integre conferbari. Siqua vero Ecclesia vel Ecclesiastica persona ab ipso vel a suis se gravatum ostenderit, satisfactione plene totius Ecclesie iudicio paratus erit. Hec a Domino nostro Rege in responsis accepimus, qui utinam ad omnem voluntatem vestram uberius aliquid accepissemus. Eadem vero sublimitati vestre notificanda duximus, ut ex responsis ipsius advertat discretio vestra, quo negotium hoc sine concludat, causam namque suam dominus Rex plurimum sibi iustificare videtur, cum in omnibus que dicta sunt Ecclesie regni sui consilio simul & iudicio se paritutum, & Patris nostri Domini Cantuariensis reditum, iuxta quod dictum est, se nullatenus impediturum pollicetur. Unde vestre supplicandum estimavimus excellentie, quatenus illud pre oculis habentes, calamum quassatum non conteret, & linum fumigans non exstinguet. Zelum illum, qui ad disciscendam omnem, qua Ecclesia Dei irrogatur, injuriam, laudabiliter igne divini Spiritus accensus est, si placet, ad tempus intra fines modestie cohibeatis, ne vel interdicti sententiam vel ultimum illud precessionis elogium proferendo, Ecclesie innumeras subverti misere toleratis, & tam Regem ipsum, quam innumeros cum eo populos, a vestris, quod absit, obedientia irrevocabiler avertatis. Bonum est membrum capiti coherere vel sancium, quam a corpore projici, jam precessum, redeunt ad sanitatem sancia vix corpori coalescunt jam precessa, adducit desperationem precessum cum sanet vulnus sepiissime cante medicantis operatio. Unde si placet bonura est, ut sanando vulnere, si quod est, ad precessum operam detis, quam Ecclesie Dei partem nobilissimam precessum, quae turbata sunt hoc tempore, longe supra quam possit exprimi perurbetis. Quid enim si sermo vester nondum plene capit aut capitur. Nunquid divina desperanda est gratia? quia tempore accepto & capiat & capiatur? Nunquid abbreviata est manus Domini ut salvare nequeat? aut auris ejus aggravata ut non exaudiat? currens ille sermo velociter: potenter cum vult inmutat omnia, & dat Sanctorum precibus etiam insperata. Sanguis regius tunc licet demum vinci cum vicerit, nec erubescit cedere cum superaverit. Mansuetudine leniendus est monitis & patientia superandus. Quid enim si iacturam quandam temporalium infert, vel exhibita vel in tempus exhibenda adhuc etiam patientia. Nunquid non severitati retrahendum est cum strages imminet populorum? Nunquid non in mare multa iactanda sunt, cum jam spondet interitum consilio tetra maris & fluitum? Inspicenter attamen in Charitate non fida loquimur. Si hic rei finis extiterit, ut amissis suis dominus Cantuariensis exilium iuge sustineat, & vestris, quod absit, mandatis ulterius Anglia

Anglia non obediat, fuisset satius patienter in tempus sustinuisse, quam tanto zelo severitatis partibus instituisse. Quid enim si plures & nobis ab obedientia vestra persecutio seipere non possit? Non deerit tamen qui genua curvet ad Baal, & de manu idoli pallium Cantuarie, non habito religionis & iustitie delectu suscipiat. Nec deerunt, qui sedes nostras occupantes, & cathedras insidentes ipsi tota mentis Devotione obediant. Jam multi preamasticant ad talia, optantes ut veniant Scandala, & directa ponantur in prava. Unde non propria, pater, plangimus aut ploramus incommoda: sed nisi his malis occurreritis, sedam Ecclesia Dei subversionem imminere cernentes, pertimescimus, ne citius ob vite tedium optemus perisse diem, qua ad spectacula huiusmodi nati sumus. Conserve incolunitatem vestram in tempora longa omnipotens Deus, in Christo dilecte pater.

Epistola Suffraganeorum Cantuariensis Ecclesie ad beatum Thomam Cantuariensem Archiepiscopum.

Venerabili patri & domino Thomae, Dei gratia Cantuariensi Archiepiscopo Suffraganei ejusdem Ecclesie Episcopi & personae per eorumdem Dioeceses locis variis constituta, debitam subjectionem & obedientiam. Quae vestro pater discessu in longinqua inopinata rei ipsius novitate turbata sunt, vestra sperabamus humilitate & prudentia in pacis pristinae serenitatem, cooperante gratia revocari. Erat quidem nobis solatio, quod post discessum vestrum, ad omnes fama divulgante pervenit: Vos scilicet in transmarinis agentem, nil altum sapere, vos in Dominum nostrum Regem aut regnum ejus nulla machinatione insurgere, sed sponte susceptum paupertatis onus cum modestia sustinere. Lectioni & orationi insistere, praeteritorumque iacturam temporum jejuniis, vigiliis, lachrymisque redimere, & spiritualibus occupatum studiis ad perfectum beatitudinis virtutum incrementis ascendere. Ad pacis bona reformanda nos studiis huiusmodi gaudebamus insistere, ex quibus spes erat, vos in cor Domini Regis nostri hanc posse gratiam desuper evocare, ut vobis iram suam regia pietate remitteret, & illas in discessu, et ex discessu vestro injurias ad cor de cetero non revocaret. Erat amicis vestris & benevolis ad ipsum aliquis accessus, dum haec de vobis audirentur, & ob conciliandam vobis gratiam supplicarent benignae quemque sustinuit. Jam vero quorundam relatione didicimus, quod ad memoriam anxie revocamus, Vos scilicet in eum comminatorum emisistis, quo salutationem omittitis, quo non ad obtentum gratiae consilium prece sue porrigitis, quo non amicum quid sentitis aut scribitis, sed intentionis interdictum aut praecisionis elogium, in eum jam dicendum fore multa severitate proponitis. Quod si quam dure dictum est tam fuerit severe completum: quae turbata sunt non jam speramus ad pacem redigi, sed in perenne quoddam odium & inexorabile pertimescimus immurmari. Rerum vero finem prudentia sancta considerat, dant peram sollicitae, ut quod prudenter inchoat, bono quoque fine concludat. Advertat itaque (si placet) discretio vestra, quod tendat, an conatibus huiusmodi finem

Hoved, f. b. n. 5. A. 1167. N. 5

finem queat obtinere, quem optat. Nos qui dem his arsis a spe magna cecidimus, & qui pacis obtinende spem quandoque concepimus, ab ipsis jam spei luminibus gravi quadam desperatione repellimur. Et dum velut extrahendo gladio pugna confertur, pro vobis supplicandi locus utique non invenitur. Unde Patri scribimus ex charitate consilium, ne labores laboribus, injurias superaddat injuriis: sed omnis minis, patientia, et humilitati inserviat. Causam tuam divinæ clementiæ, domini sui gratiæ, misericordiæ committat, et sic agendo carbonis signis in multorum capita coacervat et congregat. Accenderetur hoc modo charitas, & quod minis non poterant, inspirante Domino, Bonorumque consilio suadente, de paupertate voluntaria gloriose laudari, quam de beneficii ingratitudine ab omnibus in commune notari. Infedit alie cupidiorum mentibus, quam benignus Dominus noster Rex vobis extiterit, in quam vos gloriam ab exili provexerit, & in familiarem gratiam tam letam vos mente susceperit, ut dominationis sue loca, quæ a boreali Oceano Pyreneum usque porrecta sunt, adeo potestati nostræ cuncta subjecerit, ut in his solum vos beatos reputaret opinio, qui in vestris oculis poterant complacere. Et ne vestram gloriam mobilis posset mundana concutere, vos in his quæ dei sunt, voluit immobiliter radicare. Et dissuadente matre sua, regno reclamante, Ecclesia Dei, quoad licuit, suspirante, et ingemiscente, vos in eam qua præstis dignitatem modis omnibus studuit sublimare, sperans se de cætero regnare scilicet, et ope vestra et consilio summa securitate gaudere. Si ergo securum accepit, unde securitatem sperabat, quæ de vobis erit in cunctis ore narratio? Quæ retributionis hæcenus inaudita remuneratio, vel remuneratio? Parcat ergo (si placet) fama vestra, parcatis & gloria, & humilitate Dominum nostrum filiumque vestrum charitate vincere studeatis. Ad quod si nostra vos monita movere nequeunt, debet saltem summi Pontificis Sanctæque Romanæ Ecclesiæ dilectio, & fidelitas inclinare. Vobis enim suaderi debet è facili, ne quid attentare velitis, quod laboranti jamdum in tri vestra, labores augeat, & quo vel multorum inobedientiam deploranti in eorum qui obediunt amissione dolor accrescat. Quid enim si vestra quod absit exacerbat, vel opera, Dominus noster, quem largiente Domino populi sequuntur et regna, a domino Papa recesserit? Ipsumque fortassis adversus vos solatia denegantem, sequi de cætero declinaverit? Ipsum namque in hoc, quæ supplicationes, quæ dona, quot quantaque promissa sollicitant? In petra cum hac usque firmus persistit, & totum quod mundus offerre potest, victor alta mente calcavit. Unum nobis timor est, ut quem oblate divitiæ, & totum quod in hominum gloria præciosum est, steterit nequiverunt, animi sui valeat indignatio sola subvertere. Quod si per vos acciderit in threnos Jeremia totus ire poterit, & lachrymarum fontem oculis vestris de cætero negare nulla quidem ratione poteritis. Revocetis itaque (si placet) sublimitati vestræ consilium, domino quidem Papæ, Sanctæque Romanæ Ecclesiæ vobis etiam (si placet advertere) modis omnibus, si processerit, obfuturum. Sed qui penes vos alta sapiunt, vos forte hac via progredi non permittunt. Hortantur experiri in Dominum nostrum Regem, quis sitis, & in omnia quæ sui sunt potestatem exercere qua præstis. Quæ nimirum potestas peccanti timenda est, satisfacere nolenti formidanda. Dominum vero Regem non quidem peccasse nunquam dicimus, sed semper Dominum paratum satisficere considerat dicimus & prædicamus. Rex a Domino constitutus Paci providet subditorum per omnia ut hanc conservet Ecclesiis et commissis sibi populis, dignitates regibus ante se debitas et exhibitas sibi vult exhiberi et exigat. In quo si inter ipsum & vos aliqui

qua oborta est contentio, a summo super hoc Pontifice paterna gratia per venerabiles fratres nostros Londoniensem et Herefordensem Episcopos convenitis et commonitis, non in celum os suum posuit. Sed de omnibus in Ecclesia vel Ecclesiastica persona quæcumque se gravatam ostenderet se non alienum querere, sed Ecclesiæ regni sui paritum judicio humiliter & mansuete respondit. Quod quidem & satis implere paratus est, & dulcè reputat obsequium, cum monetur ut corrigat si quid offenderit in Deum. Nec solum satisfacere, sed et si jus exigat in hoc satis dare paratus est. Si et satis dare satisque facere volentem Ecclesiæ se judicio in his, quæ Ecclesiæ sunt nec in modico subtrahentem, colla Christi jugo subdentem, quo jure, qua lege, quove canone, aut interdicto gravabit, aut secui, quod absit, evangelica præcidetis? Non impetu quidem ferri sed judicio prudenter regi laudabile est. Unde nostrum omnium una est in commune petitio? Ne consilio præcipiti mactare pergatis et prodere. Sed commissis ovibus, ut vitam, ut pacem, ut securitatem habeant, paterna studeatis gratia providere. Movet quidem nos omnes quod in fratrem nostrum Dominum Salesburiensem Episcopum, & Decanum ejus, præposterè, ut quidam æstimant, nuper adum audivimus. In quos suspensionis, aut dampnationis penam ante motam de culpa controversiam, calorem, ut videtur, iracundiæ, plus quam iustitiæ secuti traxerunt, intorsistis. Ordo judiciorum novus hic est, huicque legibus, et canonibus, ut speramus, incognitus, damnare primum, et de culpa postremò cognoscere. Quem ne in Dominum nostrum Regem, et regnum eius, nec in nos, & commissis nobis Ecclesias, & Parochias in Domini Papæ Damnum, Sanctæque Ecclesiæ Romanæ dedecus, & detrimentum, Vestraque consensionis augmentum non modicum exercere tentetis & extendere? Remedium vobis appellationis opponimus, & qui contra metum gravaminum, in facie Ecclesiæ, viva jamdudum voce ad Dominum Papam appellavimus? Iterato jam nunc ad ipsum scripto, etiam appellamus, et appellationi terminum diem Ascensionis Dominicæ designamus. Quanta quidem possumus Devotione supplicantes, ut inito salubriori consilio, vestris, ac nostris laboribus, expensisque parcatis, causamque vestram, in hoc ut remedium habere queat ponere studeatis. Valere v. s. optamus in Domino Pater.

E Epistola Suffraganeorum Cantuariensis Ecclesiæ ad Alexandrum summum Pontificem pro Rege.

Patri suo, & Domino summo Pontifici Alexandro, Provinciæ Cantuariensis Episcopi, et personæ per eorundem Dioceses locis pluribus constitutæ Domino Patrique debitum Charitatis, & obedientiæ famulatum. Vestram (Pater) meminisse credimus excellentiam vos devotum filium vestrum, dominumque nostrum charissimum, illustremque regem Anglorum, per venerabiles fratres nostros Londoniensem, & Herefordensem Episcopos directis jamdudum literis convenisse, & de corrigendis quibusdam, quæ Sanctitati vestræ, in ipsius regno corrigenda videbantur, paterna gratia commouisse. Qui mandatum vestrum debita veneratione suscipiens, ut

Hoved. f. b. n. 40. A. 1167. N. 5

ut satis votum est, ad vestra quidem mandata non iratus intumuit, non
 laus obedire contempsit: Verum gratias agens paternæ correptioni,
 Ecclesiæ se statim summisit examini; afferens de singulis que juxta ve-
 stri formam mandati sibi diligenter expressa fuerunt; Ecclesiæ regni sui
 se pariturum judicio; a qua corrigenda decerneret, ipsius se consilio lau-
 dabili quidem, & in principe digne commendabili devotione commendatum.
 Ab hoc vero non recedit propositio, nec mentem revocat a promisso.
 Sed qui sedeat, qui cognoscat, & judicet: ipse divini reverentia timore,
 non majestatem præferens, sed ut filius obediens judicio sistere, legitimeque
 parere sententiæ, seque legibus alligatum principem, præsto est in omni-
 bus exhibere, filius obediens. Unde nec interdictio, nec minis nec male-
 dictionum aculeis ad satisfactionem urgere necesse est divinarum se legum
 examini subdant. Ejus enim opera nequaquam se luci subtrahunt: nec
 occultari tenebris aliqua ratione deprecant. Rex namque fide Christianissi-
 mus in copula castimonie conjugalit honestissimus, pacis et justitiæ conser-
 vator, & dilatator incomparabiliter strenuissimus, hoc votis agit totis, in
 his fervet desideris, ut de regno suo tollantur scandala, cum sperantibus
 suis eliminantur peccata, pax totum obtineat atque justitia, & alta secu-
 ritate & quiete placita sub ipso gaudeant & resoreant universa. Qui
 cum pacem regni sui enormi inoleantiam quorundam clericorum excessu,
 non mediocriter aliquando turbati cognosceret: Clero debitam exhibens re-
 verentiam, eorundem excessus ad Ecclesiæ judices remisit Episcopus, ut
 gladius gladio subveniret: & pacem, quam regebat & fovebat in populo,
 spiritualis potestas fundaret, & solidaret in clero. Qua in re partit utriusque
 zelus innovit Episcoporum in hoc stante judicio: ut homicidium, et si quid
 ejusmodi est ex auctoritate sola puniretur in clero. Rege vero existiman-
 te penam hanc non condigne respondere flagitio, nec stabiliente paci be-
 ne prospici, si lætor aut acolytus perimat quam præclara nitentem virum
 religionem vel dignitate ut sola jam dicti ordinis amissione tutus existat.
 Clero itaque statuto coactis ordini deferente, domino vero Regi peccatum
 iusto sicut sperat odio persequente, & pacem alius radicare intendente,
 Sancta quædam oborta est contentio, quam excusat (ut credimus) apud
 dominum simplex utriusque partis intentio. Hinc non dominationis ambi-
 bitu, non opprimenda Ecclesiastica libertatis intuitu; sed solidanda
 pacis affectu, eam progressus est, ut regni sui consuetudines & digni-
 tates regibus ante se in regno Angliæ, a personis ecclesiasticis observa-
 tas et pacifice reverenter exhibitas Dominus noster Rex deduci vellet
 in medium. Et ne super his contentions sunt traheretur in posterum,
 notitia publice delegari, adjuratis itaque per fidem, & per eam, que in
 Deum spes est majoribus natu episcopis, aliisque regni majoribus retroacti
 temporis in sinuato statu; dignitates requisitæ palam prolata sunt, &
 summorum in regno virorum testimoniis propositæ. Hæc est domini no-
 stri regis in Ecclesiam Dei toto orbe declamata crudelitas, hæc ab eo
 persecutio, hæc opera ejus, inter nos vel undique divulgata maligni-
 tas. In his tamen omnibus si quid sive periculosum anime, si quid ig-
 dominiosum Ecclesiæ continetur, id vestra monitis atque motus auctorita-
 te, ob reverentiam Christi, ob Ecclesiæ sanctæ, quam sibi matrem proste-
 tur, honorificentiam, ob anime sue remedium, ecclesiæ regni sui consilio
 se correcturum devorione Sanctissima jam diu pollicitus est, et con-
 stantissimo pollicetur. Et quidem pacis optatum finem, nostra pater, ut
 speramus, obtinisset jam postulato; si non iras jam sopitas, et fere
 prorsus extinctas, patris nostri domini Cantuariensis de novo suscitaret
 exacerbatio. Verum his, de cuius patientia pacem, de cuius mode-
 stia redintegrationem hujusce gratiæ sperabamus, ipsum quem monitis
 emollire,

emollire, quem meritis & mansuetudine superare debuerat, per tristes et
 terribiles literas, devotionem patris aut pontificis patientiam minime
 redolentes, cum in pacis perturbatores exercitum nuper ageret, dure
 satis et irreverenter aggressus est. In ipsam excommunicationis sen-
 tentiam in regnum ejus interdicti poenam acerime comminando; cu-
 jus si sic remuneratur humilitas? Quid in contumacem statueretur? Si sic
 estimatur obediendi prompta devotio, in obstinacem perveritatem quo-
 nam modo vindicabitur? Minus quoque gravibus superaddita sunt gra-
 viora. Quosdam namque fideles & familiares domini regis, primarios
 regni proceres, regis specialiter assistentes secretis, in quorum manu consilia
 regis & regni negotia diriguntur, non citatos, non defensores, non ut aini
 culpe sibi conscios, non corvictos, aut confessos, excommunicationis inno-
 davit sententia, & excommunicatos publice denuntiavit. Adjectum etiam,
 ut venerabilem fratrem nostrum Salisburiensem Episcopum, abentem &
 indefensum, non confessum, aut corvictum sacerdotali prius & episcopali
 suspenderet officio, quam suspensionis ejus causam comprovincialium aut
 aliquorum etiam fuisse arbitrio comprobata. Si hic itaque judiciorum
 ordo circa regem, circa regnum, tam præpostere, ne dicamus, inor-
 dinate processerit: quidnam consequi posse putabimus? Dies enim mali
 sunt, & occasionem habentes malignandi quamplurimum, nisi ut tenor pa-
 ctis, & gratiæ, quo regnum & Sacerdotium usque modo coherens, ab-
 rumptatur. & nos cum commissio nobis clero in desperationem abeamus exitii,
 aut a vestra, quod absit, fidelitate recedentes, ad scismatis malum in
 abyssum iniquitatis & inobedientiæ pervolvamur. Compendiosissima
 quippe via hæc est ad omne religionis dispendium, ad cleri pariter
 populique subversionem et interitum. Unde ne Apostolatus vestri tem-
 pore tam misere subvertatur Ecclesiæ, ne dominus noster rex & servientes
 ei populi a vestra, quod absit, avertantur obedientia: ne totum, quod
 priorum consilio machinatur, possit in nos Domini Cantuariensis ira-
 cundia adversus eum & ejus mandata, domino nostro regi aut regno ejus,
 nobis, aut commissis nobis Ecclesiis gravamen aliquod importantia; ad sub-
 limitatem vestram voce et scripto appellavimus, et Appellationi ter-
 minum diem Ascensionis Dominicæ designavimus, eligentes apud vos
 in omne quod Sanctitati vestre placuerit humiliter, quam ad sublimis ip-
 sus animi motus, nostris non id exigentibus meritis, de die in diem te-
 diosissime pergravari. Conserve incolunitatem vestram Ecclesiæ sue in
 longa tempora profuturam omnipotenti Dominus, in Christo dilecte Pater.

Epistola beati Thomæ Cantuar. Episcopi ad Gil-
 lebertum Lundoniensem Episcopum de senten-
 tia in eum prolata.

Thomas Dei gratia Cantuariensis Archiepiscopus & Apostolica se-
 dis legatus, Gilleberto Lundoniensi Episcopo, utinam vero
 fratri, declinare a malo, & facere bonum. Excessus vestros dum licuit
 supportavimus: & utinam mansuetudo patientiæ nostræ, quæ nobis ultra
 modum damno extitit, in totius Ecclesiæ perniciem non redundet. Sed
 quia patientia nostra semper abusi estis, et neque dominum papam nec

nos in verbo salutis vestrae voluistis audire: sed obduratio vestra in deteriora semper crevit, vos urgente necessitate officii, & ratione juris persuadente, ex iustis et manifestis causis anathematis sententia percellentes excommunicavimus; et a corpore Christi; quod est Ecclesia, donec condigne satisfaciatis amputavimus. Precipimus igitur in virtute obedientiae, in periculo salutis, dignitatis, & ordinis, quatenus prout forma Ecclesiae praescribit ab omnium communione fidelium abstinere; ne vestra participatio Dominicum contamineat gregem ad ruinam, qui vestra doctrina erudiendus, & exemplis informandus erat ad vitam.

Epistola beati Thomae Cantuariensis Archiepiscopi ad capitulum Lundoniensis Ecclesiae de vitandis excommunicatis.

Ibidem, n. 42.
A. D. 1168.
N. 53.

Thomas Dei gratia Cantuariensis Archiepiscopus, & Apostolica sedis legatus, Decano & Archidiacono, & clero Lundoniensis Ecclesiae, salutem, & a communione excommunicatorum fideliter abstinere. Vestram non debet latere prudentiam, quod fere totus Latinus orbis agnovit, quam inique sumpta opportunitate, ex causa scismatis generalis, Gillebertus Lundoniensis Episcopus frater noster, utinam verus, in causa Ecclesiae versatus sit, & pacem ejus studuerit perturbare. Supportavimus enim in multa patientia hactenus, qua ille semper abutens; iugis inobedientiae crimen multiplicatis excessibus incorrigibiliter cumulat. Nos ergo quibus ultra dissimulare non licuit, eum urgente necessitate officii, & ratione juris persuadente publice excommunicavimus & vobis precipimus, in virtute obedientiae, & in periculo ordinis, & salutis ut a communione ejus, sicut Christi fideles decet, prorsus abstinere. Similiter & alios sub eadem interminatione precipimus evitare, quorum nomina inferius scripta sunt. Simili quoque sententia Deo auctore, eos, qui a nobis solemniter citati sunt, nisi interim satisfecerint condemnabimus in die Ascensionis; scilicet & Gillebertum Cantuariensem Archidiaconum & Robertum Uicarium ejus, Richardum de Ibroestre, Richardum de Luci, Willielmum Gittardum, Adam de Cheringes, & eos qui ex mandato regis, vel propria temeritate, nostra vel clericorum nostrorum occupaverunt bona, & eos qui ope, vel consilio domini regis animam adversus libertatem Ecclesiae, & innocentem proscriptionem, & depopulationem instigare noscuntur, & qui nuntios domini Papae, & nostros ne persequantur Ecclesiae necessitates impediunt. Non turbetur cor vestrum in his, neque formidet, quia contra tergiversationes malignantium & appellationum subterfugia Deo propitio sedis Apostolica munimine tuti sumus. Haec sunt nomina excommunicatorum. Ivoelinus Sabrebitensis Episcopus; Comes Hugo, Ranulphus de Broc, Thomas filius Bernardi, Robertus Ecclesiae de Brec, Hugo de Sancto Claro, Letardus clericus de Woffina, Rigellus de Saccabilla, Richardus frater Willielmi de Pastingee, qui Ecclesiam nostram de novo Corona occupavit. Valete.

Si

Si quis a festivitate Sancti Dionisii inventus fuerit in Angliam s. veni litteras Domini Papae vel Thomae Archiepiscopi Cantuariensis, vel aliquod mandatum ex parte eorum de interdicto, capiatur & statim fiat de eo iustitia, sicut de traditore Domini Regis & regni sui. Verumtamen illi qui capiti sunt cum mandato vel litteris huiusmodi ante festum Sancti Martini, custodiantur usque ad eundem terminum, & postea fiat de eis iustitia, sicut preceptum est.

Si Episcopi vel Abbates cujuscunque ordinis sint vel quicunque clerici vel laici sententiam interdicti tenuerint, statim ejiciantur a terra & tota cognatio eorum, & tali modo ut nil ferant de catallis suis secum, sed omnia catalla eorum & omnes possessiones suae in manu Domini Regis sequeantur.

Omnes clerici qui habent redditus in Anglia, & sunt extra Angliam summoncantur per omnes comitatus & provincias, quod infra festum Sancti Hilarii redeant in Angliam, & si non venerint ad terminum illuc, omnes redditus eorum capiantur in manus domini Regis & ipsi sint sine spe revertendi, & Vicecomites faciant hoc scire Archiepiscopis, Episcopis de provinciis suis.

Nulla fiat appellatio ad dominum Papam, neque ad Thomam Cantuariensem Archiepiscopum, nec aliquod placitum eorum mandato teneatur. Et si quis a festo Sancti Dionisii inventus fuerit hoc faciens capiatur, & retineatur, & omnia catalla ejus & possessiones capiantur in manu Domini Regis, sive Episcopus fuerit, sive Abbas vel Monachus, aut canonicus, aut clericus, vel cujuscunque ordinis fuerit.

Si quis laicus venerit de ultra mare ubicunque applicuerit intente exquiratur utrum portet aliquid quod sit contra honorem domini Regis. Et si quid tale super eum inventum fuerit, capiatur & incarcerationetur. Et similiter fiat de laicis qui veniunt ad mare transire.

Si clericus, vel canonicus, vel monachus, vel cujuscunque religionis fuerit de ultra mare venerit, exquiratur, & si nihil huiusmodi cum illo inventum fuerit, nisi habeat litteras domini Regis de passagio suo non procedat ulterius, sed quam citius poterit revertatur; Et si aliquod huiusmodi super eum inventum fuerit, capiatur & incarcerationetur.

Nullus clericus, vel canonicus, vel monachus, vel cujuscunque religionis Dei fuerit permittatur transire, nisi habeat litteras de passagio suo.

Si quis Valentinus clericus vel laicus applicuerit, nisi habeat litteras domini Regis de passagio suo, capiatur & custodiatur, & omnes Valentes qui sunt in Scolis in Anglia ejiciantur. Omnes vero vicecomites totius Angliae faciant omnes milites & libere tenentes, & omnes illos qui quiddecim annos habent de comitatibus suis jurare in plena comitatu, & per omnes civitates & burgos, quod haec mandata super vitam et membra sua servabunt, & missis serventibus suis per omnes villas Angliae faciant jurare omnes illos qui ad comitatus non fuerint, quod haec mandata cum ceteris tenebunt.

Epistola

Chron. G.
vas. Drol.
Col. 140
lin. 1. A.
1168.
See Hove.
f. 295, a. 1
N. 5

Epistola Alexandri ad Henricum Regem Angliæ.

Ibidem. f. 29.
a. n. 10 A. D.
1169.

N. 55.

Alexander Episcopus servus servorum Dei, illustri Anglorum Regi Henrico, sal. tem et Apostolicam benedictionem. Magnificencia tua Nuntios, scilicet dilectos filios nostros Johannem Cumin, & Radul-
sum de Canewide nobis, et Ecclesia Dei devotos, et regia sublimitati (sicut credimus) per omnia fidelissimos, et literas, quas excellentia tua nobis per eosdem transmisisti, tanto benigniori mente suscepimus, et tanto eos majori gratia prævenimus, et honore, quanto pl. nius scivimus ipsos à magnifico principe, et rege Christianissimo fuisse transmisos: cui utique omnem, quam cum Deo possumus, gratiam cupimus et honorem, et ad cujus incrementum modis omnibus, quibus honeste poterimus, nos et fratres nostri ac tota Ecclesia quanto devotissime sinceritatis tue affectum in ma-
jori sumus necessitate experti, tanto ardentius intendimus aspirare. Non enim tue devotionis insignia nobis tempore tam opportuno exhibita à nostra in posterum memoria, nulla poterit ratione divelli, vel in conspectu Ecclesie aliqua defectudine inumbrari. Petitiones quoque tuas, quas nobis per jam dictos nuntios tuos misisti in quibus cum Deo et honestate nostra potuimus, sicut iidem magnificencia tua nuntii viva voce plenius narra-
bant, curavimus executione mandare. Personas siquidem de latere nostro, juxta quod rogasti, licet nobis gravissimum, ac difficilimum hoc tempore maxime videatur aliquos a nobis emittere, cum fratrum nostrorum et eorum præsertim quos tu desideras præsentia et consilio opus habeamus, illius tamen recolende, et magnifice devotionis tue, ut diximus, non im-
memores existentes, ad sublimitatis tue præsentiam duximus destinandas cum plenitudine potestatis, Ecclesiasticas causas, quæ inter te et venerabilem fratrem nostrum Archiepisc. Cantuariensem hinc inde ver-
tuntur, et illa quæ inter eundem Archiepisc. et Episc. regni tui super appellatione ad nos facta movetur, nec non alias causas tres quas o-
verint expedire, cognoscendi judicandique, et prout sibi dominus ad-
ministraverit, canonice terminandi. Eidem quoque Archiepiscopo ne te aut tuos seu regnum gubernationi tue commissum, donec cause illæ debitum sortiantur effectum, in aliquo gravare, vel turbare aut inquietare attentet omnimodis inhibemus. Verum si præfatus Archie-
piscopus in te, aut regnum tuum, vel personas regni interim aliquam sententiam tulerit, nos eam irritam esse, et non te tenere censuimus. Ad indicationem autem hujus rei, et argumentum nostræ voluntatis, literas præfentes, si articulos ingruerit necessitatis ostendas. Alioquin serenitatem tuam rogamus, et attentius commonemus, ut literas ip-
sas, aut earum tenorem a nullo sciri permittas, sed eas habeas om-
nino secretas. Illos autem familiares & consiliarios tuos, quos jam dictus Archiepiscopus sententia excommunicationis subiecit, personæ de latere nostro transmissæ, domino auctore, absolvent. Si autem aliquis illorum interim metu mortis laboraverit, præstatio secundum Ecclesie consuetudinem juramento, quod nostro si convalescerit debeat pa-
rere mandato, ipsum ab aliquo Episcopo, vel religioso, et discreto viro ab-
soluti concedimus.

Rescriptum

Rescriptum Thome Cantuariensis Archiepiscopi ad omnes suffraganeos suos.

Fraternitatis vestre scriptum, quod tamen prudentie vestre com-
muni consilio non facile credimus emanasse: nuper ex imperato
Suscepimus. Cujus continentia plus videtur habere mordacitatis, quam
Solatii & utinam magis esset emissum de pietatis studio, de Caritatis
affectu; quam de inobedientia voluntatis. Caritas enim non querit
que sua sunt: sed que Jesu Christi. Erat quippe de jure officii vestri.
Si veritatem habet evangelium, quod quidem habet, si recte agitis ejus
officium. Si fideliter ejus negotium geritis cujus representatis figuram,
Magis eum timere, qui potest corpus & animam mittere in Gehennam,
B quam qui potest corpus occidere. Magis obedire Deo quam hominibus.
Pater quam Domino, ejus exemplo qui factus est patri obediens usque
ad mortem. Mortuus utique ipse est pro nobis: nobis relinquens exem-
plum: ut sequamur vestigia ejus. Commemoramus ergo & nos, & po-
namus animas nostras, pro liberanda Ecclesia sua à jugo servitutis, &
oppressionis tribulantis quam ipse fundavit, cujusque comparavit liber-
tatem sanguine suo proprio, ne si secus egerimus: merito nos compre-
hendat illud Evangelicum Qui amat animam suam plusquam me, non est
C me dignus. Optime nosse debueratis quam si justum est quod precipis
Imperator: ejus exequi debetis voluntatem. Si vero contrarium respon-
dere quam oportet, nos magis obedire Deo, quam hominibus, unum vo-
bis dico: ut Salva pace vestra loquar: multo tempore filii expectans si
forte inspiraret vobis Dominus, ut resumeretis vires: qui conversi estis
retrosum in die belli. Si forte saltem aliquis ex omnibus vobis ascende-
ret ex adverso, opponere se murum pro domo Israel. Simularet saltem
D tunc certamen contra eos qui non cessant quotidie exprobare agnum Dei;
expectavi non est qui ascendat. Sustinui, non est qui exponat. Silui, non
est qui loquatur. dissimulavi ego, non est qui simulatione certet. Repo-
sita est mihi de reliquo querele actio: ut merito clamare habeam: Exur-
ge Domine judica causam meam, vindicta sanguinem Ecclesie que
eviscerata est, que facta est oppressionis exanimis. Superbia eorum
qui oderunt ejus libertatem: ascendit super, nec est de cetero qui faci-
at bonum, non est usque ad unum. Utinam fratres dilectissimi esset vo-
bis affectus in defensionem libertatis Ecclesie, qui paratur
E nobis in ejus confusionem, litteris vestris ut credimus minus legunt in ap-
pellationis, verum fundata est ipsa supra firmam petram nec est qui possit
eam convellere, etsi concutere. Ut quid ergo queritis me confundere?
imo vosipsos in me, imo & me vobiscum, homines, qui suscepi in me om-
ne periculum, sustinui opprobria, tolleravi tot injurias, expertus sum
etiam pro vobis omnibus proscriptionem; & expectabat quidem unum
affligi pro Ecclesia ista, ut vel sic excutatur a servitute. Discutite
mente simplici tamen ista, examine negotium, diligenter, attendite
F polita debeas hujus esse finis negotii, ut deducta Majestate imperii: post-
posita penitus personarum acceptione, quarum acceptor Deus non est:
faciat vobis ipse intelligere quicquid egeritis, quid intenditis agere. Au-
ferat ipse Deus velamen de cordibus vestris: ut cognoscatis quid agere
debeat. Dicat ex omnibus vobis qui noverit si unquam post promotio-
nem meam, alicui vestrum tuli bovem vel asinum, si pecuniam. Si
causam alicujus inique judicavi. Si alicujus vestrum dispendio operavi,
in

Quadrilo-
lib. 5.

N. 55.

In this R-
script are
ny faults
incongrui-
yet feeling
they do v-
little alter-
sentie and
mealing
I have Pri-
it, as I f-
ic in the c-
thor.

in compendium reddo quadruplum. Si vero non est quod offenderim: ut quid me derelinquitis? solum in causa Dei: Quare vos ipsos nobis ipsis opponere curatis, in ista causa: qua nulla specialior est Ecclesie. Nolite fratres, Nolite vos ipsos & Ecclesiam Dei, quantum in vobis est confundere. Sed convertimini ad me & salvi eritis. Dominus enim dicit. Nolo mortem peccatoris: sed magis ut convertatur & vivat. State mecum viriliter in prelio. Apprehendite arma & scutum: & exurgite in adiutorium michi. Accingimini gladio verbi Dei potentissimi: ut simul omnes fortius & validius valeamus una resistere, pro officii nostri debito adversus malignantes, adversus operantes iniquitatem, adversus eos qui querunt tollere animam Ecclesie: que est libertas, sine qua nec viget Ecclesia, nec valet adversus eos qui querunt hereditate Sanctuarium Dei possidere. Festinemus ergo omnes simul id agere: ne ira Dei ascendat super nos, tanquam super negligentes pastores & desides: nec reputemur muti canes, non valentes latrare: ne exprobetur nobis a transeuntibus, a Senioribus Babilonis egressa est iniquitas. Revera si me audieritis, scitote quam Dominus eris vobiscum, & cum omnibus nobis in omnibus viis nostris ad faciendam pacem, ad defendendam Ecclesie libertatem. Alioquin iudicet Dominus inter me & vos & requirat Ecclesie confusionem de manibus vestris. quam velis noli mundus necesse est stare firmiter in verbo Domini in quo fundata est: donec veniat hora ejus & transeat ex hoc mundo ad patrem. Iudicabit quidem eo quod reliquisti me solum in certamine, nec est qui mecum velit ascendere ad pugnam ex omnibus caris meis. Adco solum ut recogitet forte quilibet vestrum & dicat, Ve Soli: quod si ceciderit non habet se sublevantem. Sed reposta est mihi spes mea in sinu meo: quod solus non est cum quo Dominus est, qui cum ceciderit non collidetur. Supponit enim Dominus manum suam. Ut itaque veniamus ad rem dicite: fratres exciditne a memoria vestra quid ageretur mecum & cum Ecclesia Dei, dum adhuc essem in Anglia: quid in exitu: quid post exitum: quid etiam agatur diebus istis: quid maxime apud Nothbamptoniam, cum iterum judicaretur Christus in persona mea, ante tribunal Presidis. Cum artaretur Cantuariensis ob injurias sibi & Ecclesie Dei passim illatas, & sine delicto Romanam appellare audientiam, bona sua? male dicimus sua, cum habet bona pauperum, patrimonium crucifixi que potius sunt commendata, quam donata: sub Dei protectione ponere, & Ecclesie Romane. Quis unquam & si aliquando injuste prescriptum declaravit divina clementia: videt, audit Cantuariensem iudicari, condemnari, cogi, ad fideiussionem, in Curia Regis, a suis precipue Suffraganeis, ubi est inventa juris ista, vel canonum auctoritas? adversa immo perversa perversitas. Ut quid enormitas ista non parit vobis erubescientiam: non immitit vobis confusionem: confusio non elicit penitentiam: penitentia excutit satisfactionem, coram Deo & hominibus. Ob tot quidem & tantas Deo & Ecclesie sue illatas injurias, in me nisi propter Deum, quas sustinere non debui, salva conscientia mea, nec fine discrimine vite mee potius emendare nec dissimulare sine periculo anime: elegi potius declinare ad tempus ut habitarem salubrius in domo Domini, quam habitare in tabernaculis peccatorum donec completa esset iniquitas: revelarentur corda iniquorum, & manifestarentur cogitationes eorum. Illa tot injuriarum illatio fuit causa appellationis mee: hec fuit occasio recessus mei quem dicitis inopinatum qui magis secundum ea que proponebantur adversum me, que agebantur mecum: Si veritatem loquimini qui novistis debuit fuisse inopinatus ne impediretur prescriptus. Sed Domino vertente causas adversus nos in melius

melius prospectum est Domini nostri Regis honori & suorum ne quid fieret in me in ipsius ignominiam & generationis sue. Melius etiam consultum his qui suspirabant, in meam meam, & qui sitiebant sanguinem meum qui aspirabant in fastidium Ecclesie Cantuariensis: ut vulgo dicitur & creditur in nostram perniciem utinam minus ambitiose quam avide appellavimus & appellati sumus, rebus Cantuariensis Ecclesie nostrisque & nostrorum sicut juris exigit ratio, in tuto manentibus nostram prosecuti sumus appellationem. Si nobis recedentibus, & in discessu nostro prout dicitis omnia turbata sunt: sibi imputet qui causam dedit, qui hoc procuravit, facientis proculdubio culpa hec est: non recedentis, persequentis, aut declinantis injurias. Damnum enim dedisse videtur, qui causam damni dedit. Quid plura? presentavimus nos Curie nostras & Ecclesie proposuimus injurias. Adventus nostri & appellationis causam etiam exposuimus, non fuit qui nobis responderet vel in aliquo. Expectavimus nec venit qui nobis aliquid objiceret, nulla adversus nos reportata sententia antequam veniretur ad Regem. Nobis adhuc de more expectantibus in Curia. Si forte nobis adopponeretur, ad nostros accessum est officiales, interdictum est eis ne in aliquo nobis sub temporalibus obedirent: ne nobis vel nostris quicquam ministraret ab ipsis citra mandatum regis & contra conscientiam se frater Londoniensis, cum Ricardo de Yvecestra & eboracensi sicut dicitur dicente sententia festinatum est inde ad dominum regem, viderit ipse in caput ejus convertatur qui hoc dedit consilium, sive iudicio si ve ratione, post appellationem nobis adhuc in Curia manentibus, Spoliata est Ecclesia, Spoliati sumus, & nos, cum nostris. prescripti & ipsi clerici cum laicis, viri cum mulieribus, mulieres cum infantibus & cunabulis: addita sunt fisco bona ecclesie, patrimonium crucifixi, pars pecunie conversae est in usus regis, parsque in tuos frater Londoniensis, si vera sunt que audivimus, & ecclesie tue. Quod si ita est, exigimus te, precipientes tibi in virtute obedientie quatinus infra quadraginta dies, post istarum susceptionem litterarum, quicquid inde tulisti vel in usus ecclesie tue conversum est: remota omni occasione, & dilatione infra tempus prenominationum in integrum nobis restituas. Iniquum est enim & valde juri contrarium ecclesiam ditari, de alterius ecclesie incommodo. Si laudas auctorem, scire debes super rebus ecclesie ablati, cum legitime non posse prestare auctoritatem, qui violentam facit injuriam. Quo ergo jure perverso? quo canonum ordine transposito? poterunt se tueri raptores sacrilegi bonorum ecclesiasticorum invasores, non restituti ablatis ecclesie. Opponentne appellationis obstaculum? Absit. Que nova, imo que juri contraria introducitis in ecclesia ista. videte quid agatis. Certe excentitur in vos faba ista. & in ecclesias vestras, si non vobis melius prospexeritis. Periculose enim ageretur cum ecclesia Dei, si raptor sacrilegus alienorum bonorum invasor, maxime ecclesie, tutus esset adversus eam appellationis auxilio. Frustra enim juris implorat auxilium, qui juri non obtemperat, immo qui juri est contrarius. Suntne iste injurie quas addimus injuriis, labores quos laboribus addicimus, quod ista & alia enormia que fiebant, & sunt in ista ecclesia non sustineamus: quod gravati appellavimus: quod recessimus a Curia, quod ausi sumus super injuriis ecclesie & nostris conquiri: quod super his omnibus non tacemus: quod ista speramus corrigere: periculose certe affigitur, cui saltem conquerendi solatium negatur. Vos amici mei qui altiora Sapitis, inter alios qui geritis vos alitis prudentiores, quam solent filii hujus seculi prudentiores filiis lucis esse: ut quid decipitis fratres vestros, & subditi quando inducitis eos in errorem istum: Que auctoritas? que Scriptura? contulit hanc prerogativam principibus in ecclesiasticis, quam vos vultis eis inferre. Nolite fratres, nolite, jura ecclesie, & regni confundere: distorquet quidem sunt potestates

potestates iste, quarum una vim & potestatem est sortita ex alia. Le-
 gite scripturas, & invenietis quot & qui periere reges, qui sibi vi-
 runt sacerdotali officium usurpasse. Provideat ergo discretio vestra ne
 ob istam pressuram divina vos atterat injuria, quam si venerit non fugie-
 tis de facili. Consultite etiam Domino nostro Regi, qui ejus comparatis
 gratiam super ecclesie dispendio, ne quod absit pereat ipse & domus ejus
 tota: sicut & ipsi perire qui in consimili delicto comprehensi sunt. Si
 vero ab hoc incepto non destiteritis, qua animi conscientia non puniemus
 ista, qua puritate conscientie ista dissimulabimus. dissimulet equidem qui
 hanc habet dissimulandi auctoritatem, non ego: ne veniat in animam meam
 ista dissimulatio. Insuper litteris vestris imo aperte dicitis, me regno cla-
 mante, Ecclesia etiam suspirante, & ingemisciente fuisse promotum. Scitis
 quid dicat veritas. Os quod mendacium scienter loquitur, occidit animam,
 verba vero Sacerdotis semper comitem debent habere veritatem. Deus
 hanc nunquid non erubesceret aliquis de plebe, ista dicere. Consultite ergo
 conscientias vestras, advertite formam electionis, consensum omnium
 ad quos spectabat electio: assensum principis per filium suum, & per
 eos qui ad hoc missi sunt. Filii etiam cum omnibus regni primatibus:
 si aliquis eorum contradixit: si aliquis reclamavit vel in aliquo loquatur
 qui novit: atque qui conscius est. Si vero turbatus inde fuerit aliquis
 non dicat pro sua molestia, toti regno & ecclesie factam fuisse injuriam.
 Litteras vero Domini Regis & omnium vestrum diligentius attendistis
 postulantes eam multa instantia pallium obtinuisse. Sic se habet rei veri-
 tas: Verum si quem torset invidia: si quem affixit ambitio. Si cui causa
 pacifica tam legitima, tam sine contradictione facta est electio, dolorem &
 amaritudinem cum eatenus, & ob hoc machinetur & velit turbare omnia,
 Indulgeat ei Dominus & nos: eo quod suam minime tacet irreverentiam,
 suique animi indignationem in conspectu omnium publice consisti non eru-
 bescent: dicitis me de exili sublimatum ab ipso in gloriam. Non sum ve-
 ro avaris editus regibus, Malo tamen is esse in quo faciat sibi genus ani-
 mi nobilitas, quam in quo nobilitas generis degenerat. forte natus sum
 in tugurio de pupere. Sed cooperante divina clementia, qui novit facere
 misericordiam cum suis servis, qui elegit hamilia ut confundat toria in
 exilitate mea, antequam accederem ad ejus obsequium satis copiose, satis
 habundanter, satis honorifice, sicut ipsi novistis, prout habundantius inter
 vicinos meos & notos cujusunque conditionis fuerint conversatus sum. Et
 David de post fetentes assumptus constitutus est ut regeret populum dei,
 cui aucta est fortitudo, & gloria, quam ambulavit in visis Dei. Petrus
 vero de arte piscatoria electus factus est ecclesie princeps, qui sanguine suo
 meruit pro nomine Christi in celis habere coronam, & in terris nomen &
 gloriam utinam & nos similiter faciamus, Successores Petri sumus: non
 Augusti. Novit Dominus quo intuitu nos ipse desiderat sublimari: re-
 spondeat ei ista intentio & nos respondebimus ei pro officii nostri debito
 fideliter per misericordiam Dei in severitate quam qui blandiuntur ei in
 mendaciis. Meliora enim sunt verba amici, quam fraudulentis oscula in-
 imici. Impingitis nobis ingratitudinis notam per quandam insinuationem.
 Credimus quod nullum peccatum criminale est quod importet infamiam, nisi
 processerit ex animo. Unde si quis homicidium nolens commiserit, & si
 homicida dicatur & sit, non tamen homicidii reatum incurrit. Sic dici-
 mus, etsi Domino nostro Regi obsequium debeamus, jure Domini si tene-
 mur ei ad reverentiam prestandam jure regio: si Dominum sustinuerimus,
 si filium paterno affectu convenimus, si in conventu non auditi & dolentes
 necessitate officii severitatis censuram exercemus plus credimus nos pro ipso
 facere & cum ipso quam contra ipsum: plus ex ipso mereri gratiam quam
 ingratitudinem

ingratitudinis notam & penam. Sepissime certe beneficium confertur in-
 vivo. Unde commodius ejus prospicitur indamnitati qui est non alias ne-
 gente necessitate revocatur a perpetratione delicti. Preterea defendit nos
 ab ingratitudinis nota, pater noster & patronus qui est ipse Christus Jare
 paterno tenemur ad ejus obedientiam: qua non servata puniemur exheredationis pena. Potest enim pater exheredare filium ex justa causa. Ipse
 dicit: Si non annuntiaveris impio iniquitatem suam, & moriatur in deli-
 ctis suis, sanguinem ejus de manu tua requiram. Ergo si delinquentem
 non convenimus, si non obedientem non corripimus, si pertinacem non co-
 hercemus committimus in mandatum, & tanquam inobedientie rei jure ex-
 heredamur jure siquidem paterno quo ei sumus liberi, cum effemus servi
 peccati facti sumus liberi jussu per ejus gratiam obligamur, ei ad reve-
 rentiam & obsequium. Unde quum nemini nisi, ejus salva fide, tenemur
 obnoxii si sit contra eum in dispendium ecclesie pertinaciter merito si non
 punimus commissum pro ea parte sollicitudinis in quam vocati sumus colla-
 tum revocatur a nobis ob ingratitudinem solus ipse beneficium ex quo jure
 apparebimus ingrati. proponitis nobis periculum ecclesie Romane, jactu-
 ram temporalium, periculum quidem nostrum & nostrorum nec sit mentio
 de periculo animarum: intentatis etiam comminatorum de recessu Domini
 nostri Regis quod absit a fidelitate ecclesie Romane. Absit inquam ut Do-
 mini nostri Regis unquam devotio & fides ob temporale commodum, vel
 incommodum, a fidelitate & reverentia Romane discedat ecclesie quum qui-
 dem criminale & damnabile esset in privato nedum in principe qui multos
 trahit secum & post se. Absit etiam quod quis ejus fidelis hoc unquam co-
 gitare debeat nedum dicere supremus subiectus aliquis nedum episcopus vi-
 deatque vestra discretio: ne oris vestri verba inficiant aliquem vel plures
 in anime sue dispendia & damnationem: ad instar calicis aurei qui dicitur
 Babilonius interius & exterius veneno illini: de quo cum quis bibberit
 non timeat venenum cum viderit aurum: & sic in publicum veniat nostri
 operis effectus. Ille enim est qui non fallitur, opus furtivum producit in
 lucem & machinationes deludit iniquas. In tribulatione & sanguinis ef-
 fusione consuevit ecclesia crescere & multiplicari: primum est ecclesie ut
 nunc v'ncat, nunc leditur. tunc intelligat cum arguitur tunc obineat cum
 deservitur. Nolite ergo fratres super ipsam flere, sed super vosipsos qui fa-
 citis vobis nomen sed non grande ex hoc facto & dicto in ore omnium qui
 provocatis in vos odium Dei & universorum, qui paratis innocenti laqueum
 qui auditis novus & ingeniosus rationes in subversionem libertatis ecclesie.
 Fratres per misericordiam Dei in vanum laboratis: stabit enim ipsi eccle-
 sia est si quis concessa in ea fortitudine, & firmitate in qua firmita fun-
 data est. donec veniat generale didicimus: donec ille filius perditionis
 surgat quem non credimus de partibus occumbentibus ascensurum: nisi per-
 verse mutatus sit ordo rerum & series Scripturarum. Si vero de tem-
 poralibus agitur plus timere debemus jacturam anime, quam temporalium.
 Scriptura vero dicit, Quid prodest homini totum mundum lu-
 crari: anime vero sue detrimentum sustinere, periculum itaque nostrum
 & nostrorum p. nitus abjicimus. Non enim t. mendus est ille qui corpus
 perdit, sed qui corpus & animam perdit. Arguitis nos super suspensis ne
 venerabilis fratris nostri Salesberienfis, & excommunicatione Johannis
 illius scismatici, ex Decani prius ut dicitis, iussu ista aliter quum de cog-
 nitione proc. sta legitime: quam de ordine judiciorum canonice prodita. Re-
 spondemus quoniam utrumque istorum iusta notavit pene sententia, illum
 suspensionis, istum excommunicationis. Si perferte tenetis negotii sciem
 si recte attenditis judiciorum ordinem non erit ut credimus hec vestra sen-
 tentia, hoc quidem habet auctoritas que vos latere non debet quam in-
 manifestis

manifeste, & notorie, non desiderat ista cognitio: perpendite diligenter quid actum sit a Salesberienſi ſuper Decanatum poſt Domini Pape prohibitionem, & noſtram ſub excommunicatione factam: & tunc rectius intelligetis ſi de manifeſta inobedientia ſuſpenſo recte ſequatur. Unde beatus Clemens. Si prelatiſ ſuis non obedierint cuſcuſque liber ordinis, univerſi omneſque principes tam inferioris quam ſuperioris ordinis, atque reliqui populi non ſolum infames: ſed etiam peccatores a regno Dei & conſortio fidelium & a ſanctis Sancti Dei Eccleſie alieni erunt. De Johanne vero de Oxenfordia dicimus quod diverſis modis excommunicantur diverſi. Alii lege eos denunciante excommunicatos: alii ſententia notati: alii ex communicatione et participatione excommunicatorum. Ille vero qui in hereſim incidit damnatam communicando ſchiſmaticis & a Domino Papa excommunicatis, reatum & maculam excommunicationis in ſe traxit, que peſtis more lepre inſiſcit & intingit, conſimilique pena facientes confundit. Et quum contra Domini Pape mandatum, & noſtrum expreſſum ſub anathemate Decanatum Salesberienſem excommunicatus uſurpavit; Denunciavimus, excommunicavimus & excommunicatum ſimiter tenemus. Et quod per eum factum eſt in Decanatum, & ſuper decanatum quaſſavimus & quaſſum tenemus, ſicut Dominus Papa ipſemet jam quaſſavit, auctoritate oſtende ſinſiſti cuſus hic eſt ſententia. Si quis palam vel abſconſe excommunicato locutus fuerit aut junctus communione, ſtatim in ſe trahit excommunicationis penam, & Conſilium Carthaginenſe dicit. Qui communicaverit excommunicato ſi clericus eſt deponatur. Videtur ergo diſcretio veſtra ne quis veſtrum cum eo communicaverit. Calixtus Papa dicit. Excommunicatos quoſque a ſacerdotibus nullus recipiat ante utriuſque partis examinationem juſtam: nec tamen eis in oratione aut cibo aut poti aut oſculo communicet aut ave eis dicat. Quia quicumque ex hiſ vel aliis prohibitis excommunicatis ſcienter communicaverint juxta Apoſtolorum inſtitutionem, ſimili & ipſi excommunicationi ſubjacebunt, hic eſt ordo canonicus non canonibus ut credimus incognitus, ſcilicet auctoritate canonica ſuſtus. Et ne miremini ſi quandoque condemnatur abſens. Legite Paulum qui abſens publice fornicantem cum noverca ſua convictum teſtibus non conſeſſum etiam abſentem excommunicavit. cuſus crimen omnes ſciebant et non arguebant ſicut vos iſtius quem non de jure defendit Regia potestas: eiecit a cetu fidelium, et judicavit eum tradi Sathane in interitum carnis ut ſpiritus ejus ſalvus fieret ſicut nos iſtum. Ceterum quum hoc tempore in partibus illis multa hujus & ſatis gravia in abſentia noſtra fuerint enormia que de cetero licet abſentes corpore preſentes tamen auctoritate ſalva animi noſtri conſcientia preterire non debemus, nec poſſumus incorrecta tibi frater Londonienſis qui noſſe debueras illud Gregorii ſeptimi. Si quis episcopus fornicationi prebyterorum, Diaconorum; vel crimen inceſtus in ſua parrochia preſentio, precibuſve, ſine gratia interveniente conſenſerit: Vel commiſſum auctoritate offici ſui non impugnaverit, a ſuo ſuſpendatur officio. Illud quoque Leonis. Si qui episcopi talem conſecraverint ſacerdotem qualem eſſe non liceat. & ſi aliquo modo damnum proprii evaſerint: ordinationis juſ ulterius non habebunt: nec illi ſacramento intererunt quod immerito preſtiterunt. Quum in iſtorum ſententia canonum ſicut pro certo audivimus dupliciter deliquiſti. mandamus tibi, & in virtute obediencie mandato injungimus: quatinus ſi ita eſt infra tres meſes poſt noſtrarum ſuſceptionem litterarum, venerabilium fratrum noſtrarum coepiſcoporum conſilio de tanto exceſſu, ſic ſtudeas te oſſere correctioni: & ſatisfactioni: ne ceteri in tuo, exemplo in conſimile delictum incidant.

& nos pro negligentia tua debemus tibi ſeverius proponere mandatum. opponitis nobis contra metum gravaminum: non remedium per appellationem, ſed impedimentum: quo minus ſicut intelligimus exerceamus adverſus malefactores, invalores bonorum eccleſiaſticorum, diſciplinam cenſuram eccleſie, ne in Dominum Regem noſtrum vel terram ſuam in perſonas veſtras & eccleſias vobis commiſſas aliquid ſtatuerimus eo ordine quo progreſſi ſumus contra Salesberienſem ſicut dicatis, & ejus decano. Abſiſt a nobis ut aliquid in eum vel terram ſuam in vos, & eccleſias veſtras, inordinate ſtatuerimus vel ſtatuerimus. Sed quid eſt ſi eo delinquitis modo vel conſimili, quo jam deliquit Salesberienſis: nunquid hac appellatione poteſtis ſuſpendere auctoritatem noſtram ne in vos vel eccleſias veſtras ſeveritatis diſciplinam exerceamus: ſi delicti enormitas hoc exigit. Adverte diligenter ſi hec ſit legitima appellatio. & que ſit appellatio ſine forma. Scimus quod omnis appellatus: aut ſuo nomine appellat aut alieno. ſi ſuo: aut a gravamine quod ei inferitur: vel quod timet ſibi inferri. Certum tenemus quod nullum gravamen vobis, deo gratias, a nobis illatum eſt. unde debeatis ad appellationis conſigere remedium. Nec credimus vos ad preſens habere cauſam adverſum nos aliquam que ſpecialiter noſtra ſit. Si contra metum gravaminum ne quid de cetero ſtatuerimus in vos vel eccleſias veſtras. Videte ſi ſit iſte metus qui debeat venire in homines conſtantiffimos. Si hec ſit appellatio que debeat ſuſpendere omnem auctoritatem & poteſtatem noſtram quam habemus in vos, & eccleſias veſtras. Creditur ergo a ſapientibus: credimus & nos eam nullius momenti eſſe. tum quod formam appellationis habere non videtur. tum quod non eſt rationi conſentanea, imo totius juris penitus auxilio deſtituta. Si alieno appellatiſ nomine aut Domini regis, aut alterius. Si non alterius, Domini Regis. Si Domini Regis certe noſſe deberat diſcretio veſtra: quomodo introducte appellationes ſunt ad propulſandam injuriam, non ad inferendam. vel ad ſublevandos oppreſſos: non amplius opprimendos. Unde ſi quis non conſidentia juſte cauſe, ſed cauſa anſerente more, ne contra eum ſeratur ſententia appellaverit hujus appellationem non eſſe recipiendam. Quis enim erit eccleſie ſtatus ſubverſa libertate, ſi rebus ejus occupatis & detentis: episcopis a ſede propria expulſis vel non pacifice cum omni ſecuritate omniumque ablatorum reſtitutione admiſſis, raptores inſoſores ne coherceantur licite appellaverint & ſe defenderint per appellationem. Que erit iſta eccleſie deſtructio. Videte quid egeritis quidque dicatis. Nonne vicarii Chriſti eſtis? nonne vices ejus in terra geritis? nonne veſtrum eſt corripere? cohercere malefactores: ut vel ſic deſiſtant eccleſiam Dei perſequi. Ut quid non minus eſt ſi ipſi ſeverint in eccleſiam niſi & vos pro eis nobiſmetipſis & eccleſie in ejus perniciem opponatis. Quis unquam audivit hec mirabilia? Et audietur & predicabitur in omni populo, & gente, ſuffraganeos Cantuarienſis eccleſie, qui cum Metropolitanis ſuis ob deſenſionem eccleſie ejuſque libertatis haberent vivere & mori: omniaque ſuſtinere diſpendia: velle ad mandatum regum quantum in ipſis eſt ſuſpendere ipſius auctoritatem ne ſeveritatis diſciplinam exerceant in delinquentes adverſus eccleſiam: Unum certe ſcio duorum perſonam ſimul gerere recte non poteſtis appellatum & appellatum. vos eſtis qui appellatiſ: vos eſtis adverſus quos appellatur. Nonne una eſt eccleſia? & vos de corpore ejus eſtis. In certamen ſatis legitimum: ſatis canonicum: ut qui membra ſunt eccleſie in eam certamen cum capite ſuo, quod eſt Chriſtus. Timeo fratres ne (quod abſiſt) dicatur de nobis. Iſti ſunt ſacerdotes qui dixerunt ubi eſt Dominus: & tenentes legem neſcierunt eam. Preterea diſcretionem veſtram latere non credimus quomodo non ſolent audiri

audiri appellantes nisi quorum interest, aut quibus mandatum est, aut qui negotium gerunt alienum. Interest vestra ut non cohercantur delinquentes adversus ecclesiam. Absit immo cerse contrarium. Si vero qui subvertit ecclesie libertatem, qui bona ipsius invadit & occupat: ac in suos convertit usus in sui defensionem minime super hoc auditur appellans, multo minus & pro eo appellans. Ergo ne Domino Regi suffragatur appellatio, a nobis pro Christo edita? ne vobis videtur prodesset pro ipso emissis. Unde sicut in hoc casu non potest appellare, nec mandare, sic nec vos super hoc mandatum ab ipso suscipere. Adiciamus etiam vos in parte ista nullatenus negotium gerere posse, maxime in oppressione ecclesie cuius ipse defensor est. & presertim unde generaliter leditur ecclesie conditio. Ergo si nec interest vestra appellare nec super hoc mandatum valetis suscipere, nec alienum gerere negotium: non audiat appellatio vestra, nec de jure tenetur: Estne ista Devotio vestra: consolatio fraterne Caritatis, affectus metropolitano vestro vobis omnibus exulanti, a fraternitate vestra exhibitus. Indulgeat vobis Deus hanc clementiam. An ignoratis fratres quod Chaos magnum inter fraudem legis & canonum, inter nos & vos confirmatum sit, ut non possit aliquis de nostris sine discrimine, vel capitione, vel truncationis membrorum damno ad vos transire. Et si de nostris aliqui liberius possent, si vellent, ad nos transire: & idcirco miramur quem ordinem exigitis ubi nullus ordo circa nos. circa ecclesias vel ecclesiasticas personas, sed horror qui utinam semper vobis non sit, & injurie observentur cum spoliati sumus nostri. Quorum quidem tam clerici quam laici capiti redempti sunt, post appellationem meam factam apud Northampton: & vestram adversum nos etiam cum post istam quam dicitis appellationem, edictum generale sit propositum, sicut dicitur ut nemo de nostris sit inventus in tota terra Anglicana, nemo nostrorum vel aliorum amicorum vestrorum litteras vel nuncios audeat suscipere. Est hec reverentia appellationi debita exhibitae, & observata: infra cujus tempus si jura est nihil innovari oportet, vos ipsi videritis: Quo ergo jure, quo ordine desistatis a nobis litteras nostras & nuncios benigne suscipi & audiri. Non tamen hoc ideo dicimus, quod quicquam agatur vobiscum, & cum nostris, quod quicquam circa personam Domini Regis vel terram suam ecclesie personas nostras nunquam inordinate fecerimus vel per Dei misericordiam facturi sumus. Credebamus quidem si recte intelligitis si cupitis utiliter ecclesie subvenire, de minus ordinata & longa patientia, magis a vobis culpam quam de brevitatis mora commendari. Mora enim trahit ad se periculum: quod minus ordinata patientia plus habet remissionis, quam Commendationis, plus vitii quam virtutis. Et inde est quod vobis breviter dicimus & asserimus constanter. Dominum nostrum Regem nullatenus injuste fore grabatum: si adversus eum a Domino Papa & a nobis ipsi legitime litteris & nunciis sepiissime satisfacere cum possent nolentem severitatis censura percusserit. Non enim injuste grabatur, quem jus punit legitime. Et ut omnia sine brevissimo concludam certum tenete, quomodo raptorem, invasorem, occupatorem bonorum ecclesie, ejusque libertatis subverforem nec tueri juris auctoritas, nec appellatio defendit. Propterea fratres si cupitis ei prodesset prout justum est quod & nos cupimus, novit Dominus qui scrutator est cordium, illo procurante subvenire modo quo non offensatis in Deum non in Ecclesiam, non in ordinem nostrum, quatinus etiam expeditius & salubrius anime sue, periculum quod jam in foribus est valeat evadere. Hec idcirco dixerimus, si inspirante ei divina clementia, de consilio nostro satisfaceret ecclesie, gaudebit ipsa de filii sui rever-

sione:

sione: ac cum gratiarum actione ac devotione multiplici pirata sit & est semper eum suscipere, gaudebimus & nos, judicium vero vestrum quo dicitis esse satisfacere volentem: paratum etiam satis dare: si super aliquo de libertatibus ecclesie inter ipsum & nos, sicut dicitis orta est contentio, quod quidem satis miramur. Si alicui vestrum hoc est indubium, cum toti mundo fere notum sit, quomodo non est consentaneum rationi, immo penitus & juri contrarium: si non suscipimus immo quod non suscipimus in quo delinquimus. Istne causa ista sufficiens: estne peremptoria: quominus sepiissime & canonice conventus non satisfaciens, injurias addens injuriis, severitate divina coerceatur. Absit. Scimus enim nos nulla ratione in hac causa iudicis officio inter ipsum & nos fungi posse: tum quod adversarii ejus estis, & esse debetis in ea ob defensionem libertatis ecclesie, cuius partis defendende, officii nostri necessitate commissae est nobis & sollicitudo credita, quam si negligerent omittitis: si periculose dissimulatis: vos ipsi videtis, tamen quia non legimus superiores ab interioribus, metropolitano maxime a suis suffraganeis iudicari posse, tum quod nobis & ecclesie quidam vestrum suspecti sunt: utinam non omnes rationibus diversis quas in presenti taceamus. Audiat itaque Dominus meus postulationem fidelis sui: Consilium Episcopi patris excommunicationem: ut beneficiat ei Deus & augeat dies suos & annos filiorum suorum in tempora longa, permittat ecclesiam frui pace, & libertate: sub ipso tanquam sub Rege Christianissimo, ecclesiam Romanam uti libertate, & jure, in terra sua quam habere debet, & habet in ceteris regnis, restituat Ecclesie Cantuariensi & nobis jura sua & libertates: omnia ablata cum omni pace & securitate nostra: ut libere & quieto possimus deo militare sub ipso, & ipse debeat obsequio nostro uti prout ei licuerit. Salvo honore dei, & ecclesie Romane, & ordine nostro. Iste sunt dignitates regie, leges optime, quas petere debet, & florere sub ipso ecclesia. Iste sunt leges obtemperantes legi divine, non derogantes, quas qui non observat inimicus constituitur. Lex enim Domini immaculata convertens animas. De legibus enim suis dicit Dominus. Leges meas Custodite. Propheta dicit. Ve qui conduunt leges iniquas: & scribentes scripserunt injusticias ut opprimerent pauperes in iudicio, & vim facerent cause humilium populi dei. Non erubescat ergo Dominus meus redire ad cor, & humiliari in cordis contritione, & humilitatis mansuetudine coram Domino satisfacere ei, & ecclesie sue, de illatis injuriis. Cor enim contritum & humilitatum Deus non despicit, sed amplectitur sincerius, sicut & Sanctus David: qui cum peccasset humiliavit se coram Domino, petivit misericordiam & obtinuit veniam. Sic & Rex Norwiche & civitas tota cum interminata esset ei subversionis severitas quam in cinere & cilicio humiliavit se Domino, mutata sententia meruit ultionis censuram contritione cordis & compunctione lachrymarum redimere. Non hec fratres vobis scribimus ut facies vestras confundamus: sed ut lectis litteris nostris & intellectis valeatis, & velitis officii vestri necessitate fortius & validius exerceri. Optamus vos de cetero semper melius agere, ut sit nobis pax celebrior & libertas amplior Ecclesie. Orate pro nobis ut non deficiat in tribulatione ista, fides nostra: & securius possimus dicere cum Apostolo, neque mors, neque vita, neque angeli, neque creatura aliqua, poterit nos separare a Caritate Dei: qui subiecit nos tribulationi, donec veniat, qui terram promissionis: terram fluentem lacte & melle: quam non dabit nisi diligentibus se. Valete semper in Domino omnes: & instantius oret petimus pro nobis tota Anglicana ecclesia.

Alexander

Alexander Papa Rothomagensi Archiepiscopo &
Lo. Nivernensi Episcopo.

Quadrilog.
lib. 5.
N. 57.

Quoniam de nostre devotionis ac sinceritatis fervore, dilectione quoque, maturitate, et prudentia nostra, plenam in omnibus spem fiduciamque tenemus: vos ad executionem pacis venerabilis fratris nostri Cantuariensis Archiepiscopi pre ceteris regni Francorum personis eligimus et ad Regem Anglorum per hoc duximus transmittendos. Unde quod eundem Regem postmodum audivimus transfretasse, ne forte negotium Archiepiscopi possit impediri, quolibet modo sive proteundi, fraternitati vestre per Apostolica scripta mandamus et in virtute obedientie injungimus: quatinus sicut gratiam beati Petri et nostram curam habetis, et nos, et ecclesiam Romanam sic de honestate, et constantia volueritis aliqua de eorum parte consilire: ut in unum, pariter convenientes ad memoratum Regem eundem infra viginti dies post harrum susceptionem litterarum omni occasione, et dilatione postpositis iter arripiatis: et ad eum festinare curetis. Cum presentiam ejus habueritis: vos ipsi ea que vobis in aliis litteris expresserimus, sicut viros pontificalis constantie decet: omni dubitatione et timore semotis, instantissime proponatis, et eundem ad illarum executionem ex parte nostra studetis modis omnibus invitare. Quod si Rex ea que nobis promisit, et maxime de integra possessionum restitutione & plena pace Archiepiscopo, & suis reddenda: nec non ut super osculo velit esse contentus infra quadraginta dies post communionem nostram adimplere noluerit: aut arte aliqua, seu ingenio per se, vel per suos effecerit quo minus ad eum juxta preceptum nostrum possitis accedere, et ipsi ea que a nobis super his vestre sollicitudini sunt injuncta cum libertate et securitate proponere. Vos in totam terram ejus cismarinam auctoritate Beati Petri et nostra omni contradictione Appellationum remota interdidi sententiam proferatis, et in ea omnia divina preter baptismum parvulorum, & penitentiam morientium prohibeatis, officia celebrari, quomodo in litteris quoeidem regi direximus constat fuisse expressum. Litteras quoque nostras quas super observationem interdicti Archiepiscopi, et Episcopis, terre sue que citra mare consistit transmittimus eidem omni occasione postposita destinetis, et ipsis ex parte vestra firmiter injungatis quod interdictum nostrum nullius timoris prohibitione, vel appellatione obstante, per parochias irrefragabiliter servent, ne contra hoc aliquo modo presumant venire. Quod si aliquis Archiepiscopus vel episcopus vel al qua persona interdictum nostrum observare contemplerit, vos eum ab officio sui executione, sublato appellationis remedio, suspendetis, si nec sic respuerit, in eum excommunicationis sententiam promulgetis. Supradicto vero regi preterea que scripta sunt verba voce vel litteris nostris constantissime proponatis; quod si nec sic respuerit persone sue, sicut nec friderico regi, Imperatori dicto, fecimus nequaquam parcemus. Sed in eum excommunicationis sententiam proferemus. Volumus autem, et sub obtentu gratie dei injungimus vobis districte, ut in his, que vobis precipimus exequenda: omnem quam convenit & oportet diligentiam et studium habeatis: et si interque vestrum adesse non poterit vel noluerit, quod tamen non credimus, nec conveniens aut tolerabile esset, alter non minus ea que dicta sunt omni dubitatione et timore sublato jus adimpleat. Datum 6 idus Maii.

Alexander

Alexander Papa servus servorum Dei Archiepiscopo Eboracensi & universis Episcopis Angliæ Salutem & Apostolicam benedictionem.

A

Illius dignitatis & Majoritatis Ecclesiam Cantuariensem ab antiquo fuisse audivimus, ut Reges Angliæ ab ejusdem ecclesiæ Archiepiscopis inungi consueverant & promotionis sue principio canonici: proinde si quid est quod nos cum ex officii nostri debito, tamen ex consideratione venerabilis fratris nostri Thomæ ejusdem sedis Archiepiscopi, viri siquidem religiosi, honesti, & discreti, ecclesiæ jam dictæ jura, & dignitates antiquas, liberas, & integras, conservare volentis, universitati vestre, auctoritate Apostolica penitus inhibemus ne quisquam vestrum novo Regi coronando si forte hic casus emergerit, absque memorati Archiepiscopi, vel successorum suorum, & ecclesiæ Cantuariensis convenientia, contra antiquam ejus consuetudinem, & dignitatem manuum apponere quali occasione presumat, aut id aliquatenus audeat attentare. Datum Lateranis 4 Non. Aprilis.

Quadrilog.
lib. 5.
N. 58.

C

Epistola Alexandri Papæ ad Rogerum Eboracensem Archiepiscopum & Hugonem Dunelmensem episcopum.

D

Alexander Episcopus servus servorum Dei venerabilibus fratribus Rogeri Eboracensi Archiepiscopo, & Hugoni Dunelmensi episcopo Salutem & Apostolicam benedictionem. Licet nobis commendabiles, & grati in pluribus existatis, & sincere vos complectamur brachiis charitatis: propter hoc tamen non debemus omittere, quin ea que perpetrata sunt, & incorrecta, generant mortem, & requiramus in vobis, & zelo rectitudinis corrigamus: dicente Domino per Prophetam, Si loquente me ad impium, morte morieris, nisi annunaveris ei, neque locutus fueris, ipse quidem in peccato suo morietur, sanguinem autem ejus de manu tua requiram. Depressio siquidem Anglicanæ Ecclesiæ, & diminutio libertatis illius, que per Regem vestrum, sive proprio motu, sive potius alitis suggerentibus facta dignoscitur, plurimum jampridem animum nostrum afflixit, & non modicum nobis sollicitudinis, & doloris ingessit. Cum enim oportuerit eum de corrigendis his, que ab antecessoribus suis male commissa fuerant, cogitare: ipse potius prevaricationibus prevaricationes adjiciens, tam iniqua constituta sub regia dignitatis obtentu, et posuit et firmavit. Sub quibus & libertas perit ecclesiæ, & Apostolicorum virorum statuta, quantum in eo est, sub robore vacuantur. Nec creditur debere sufficere, si sub eo divine leges in regno Angliæ silentium & vacationem acciperent, nisi peccatum transmitteret ad hæredes, & longo tempore faceret suum regnum sine Ephod, & sine superhumerali sedere. Inde

Hoved, f. 1.
b. n. 50.
N. 59.

K

fuit

fuit quod illas iniquas usurpationes, absque ulla exceptione, vestro, & aliorum fratrum, & coepiscoporum nostrorum juramento, fecerit firmare, & plectendo iudicavit, ut hostem, quicunque vellet ab iniquis illis constitutionibus dissentire. Indicat hoc venerabilis frater noster Thoma Cantuariensis Archiepiscopi exilium. Demonstrat et hoc clericorum et consanguineorum ejus, illorum etiam, qui adhuc pendentes ab uberibus matris, vagiebant in cunis, miseranda proscriptio. Et metus mortis incutitur, si ad hoc cujusque animus erigatur, ut contra statuta illa divinis velit legibus obedire. Nos ipsi, quorum iudicio, pravaricationes illae corrigendae fuerant, aut plectendae, ad confirmationem illarum sub occasione temporis impati multa sumus instantia provocati. Et laboratum est apud nos exactione non modica, ut usurpationibus illis, cum nondum nobis expresse fuissent, auctoritatis conferremus Apostolica confirmationem. Et hoc quidem a principio. Processu vero temporis exulante pro debito pastoralis officii jam dicto Archiepiscopo, & consuetum Romanae Ecclesiae subsidium ab officio nostro sepius requirente: misimus ad jam dictum Regem de melioribus & majoribus fratribus nostris, misimus & alias ecclesiasticas personas, & pnavimus quod duritia ejus in nostra humilitate & mansuetudine frangeretur: & fieret, quod Salomon dicit, Patientia lenietur princeps: & lingua mollis frangit iram. Ipse vero sufferentiam nostram multiplici legatorum arte deludens, usque adeo contra monita nostra videtur animum obdurasse, ut nec contra praeordinatum Archiepiscopum deserere, nec de perversis statutis illis quicquam minui patiatur: immo & ipsam Cantuariensem Ecclesiam plurimo detrimento possessionum suarum afficit, & in ipso eam ecclesiastico ministerio antiqua spoliaverat dignitate. Nuper enim cum filium suum coronari voluerit, contempto eodem Archiepiscopo, ad cujus hoc officium de antiquo jure dicitur pertinere, per manum tuam, frater Archiepiscopus ei in aliena provincia diadema regni fecit imponi. In Coronatione autem illius, nulla ex more de conservanda ecclesiae libertate cautio est praestita, vel sicut aiant exacta: sed juramento potius aperiunt confirmatum, ut regni consuetudines, quas abbas dicunt, sub quibus dignitas periclitatur ecclesiae, illibatas debeat omni tempore conservare. In quo etsi multum praeordinati regis nos vehementia conturbat: amplius tamen de vestra & aliorum coepiscoporum nostrorum possumus infirmitate moveri, qui, quod dolentes dicimus, facti sicut arietes non habentes cornua, abiitis absque fortitudine ante faciem subsequents. Et si enim hoc tibi licere forte (frater Archiepiscopo) in propria provincia potuisset, quomodo tamen hoc in provincia aliena, & illius praecipue, qui exulare pro justitia, & fere solus exire, & dare gloriam Deo, tibi licuerit, nec de ratione possumus, nec de Sanctorum patrum constitutionibus invenire. Quod si ad excusationem tanta praevocationis quisquam objiciat in aliis quoque regibus, gravia plurima & enormia perpetrari: in veritate possumus respondere, quod nullum adhuc regnum in tantum divinae legis contemptum invenimus cornuisse, ut scriptis & juramentis episcoporum tam manifestas enormitates fecerit committere, nisi quisquam illud impudenter alleget, quod Scismati postmodum a fidelium communionis praecisi inaudita, & damnablem superbia commiserunt. Unde quia juxta verbum Prophetae, in vobis factum est perversum, quid ultra omnes alias provincias, in usurpationibus suis, & post tam iniquas consuetudines juramento firmatas, non adjecistis resumere scutum fidei, ut staretis in Domo Domini in die praelii: sed posuistis corpus vestrum in terram, ut per vos fieret via transeunti. Et ne si diutius taceamus una vobiscum in die judicii damnationis sententia involvamus, auctoritate

auctoritate Sacrosanctae Romanae, cui auctore Domino ministramus Ecclesiae, ob omni officio episcopali vos suspendimus dignitatis; sperantes quod sub disciplina saltem, & paterno verberare constituti redire tandem ad cor, & de tuenda de beatis Ecclesiae libertatis satagere. Si vero nec sic zelum Episcopalis officii resumpseritis, nos adhuc auctore Domino, quod vobis imminet faciemus. Vos videte, ne illud vobis dicatur, quod cuidam dictum per Prophetam dicitur, Quia in sanctam repulisti, repellam te, ne sacerdotio fungaris mihi. Nos enim quia locum illius tenere, Deo prout ipsi placuit disponente, conspicimur, qui a predicatione verbi Dei, nec verberibus poterat, nec vinculis coerceri: non debemus sub ambigua expectatione pacis creditam nobis divini verbi pecuniam in sudario reponere, & alligatam eam tamdiu conservare, donec paulatim lucrandi hora occurrat, & creditor veniens de reddenda acerbe nos conveniat ratione.

Henricus Rex Anglorum Henrico filio suo Regi Anglorum Salutem.

Scitis quod Thomas Archiepiscopus Cantuariensis pacem mecum fecerit ad voluntatem meam: & ideo praecipio ut ipse & sui pacem habeant & faciatis habere ei, & suis, qui pro eo exierunt de Anglia omnes res suas bene, & in pace, & honorifice, sicut habuerunt, tribus mensibus antequam ipse exiret de Anglia: & faciatis venire coram vobis de melioribus et antiquioribus militibus, de honore de Salwde. & eorum Sacramento faciatis recognosci quid ibi habetur de feudo Archiepiscopatus Cantuarie: & quod recognitum fuerit esse de feudo ejus: ipsi Archiepiscopo habere faciatis. Teste Retroto Archiepiscopo Rothomagensi.

Purgatio Henrici Regis pro morte Beati Thomæ.

Hoved. f. 302.
b. n. 40.
N. 61.

Henricus Rex Angliæ pater, & Henricus Rex filius ejus, & Rotodun Rothomagensis Archiepiscopus, & omnes Episcopi & Abbates Normanniæ convenerunt apud Abrincam civitatem, in presentia Theodini & Alberti Cardinalium. In quorum audientia Rex Angliæ pater, quinto Kalendarum Octobris, feria quarta, festo Sanctorum Cosmæ & Damiani Martyrum, in ecclesia Sancti Andree Apostoli purgavit innocentiam suam, coram prædictis Cardinalibus & omni clero & populo, præstito Sacramento, super Sanctorum reliquias, & super Sacrosanctis evangelia, quod ipse nec præcepit, nec voluit, quod Archiepiscopus Cantuariensis occideretur: & quando audivit vehementer inde doluit, sed quia malefactores illos, qui sanctæ memoriæ Thomam Cantuariensem Archiepiscopum occiderunt, habere non poterat, & quia timebat ipsos illud profanum opus impetrasse causa animi motus eturbationis, quam in cõsiderant, de satisfacienda tale præstitit Sacramentum. Juravit itaque inprimis quod ab Alexandro summo Pontifice, et catholicis successoribus ejus non recederet, quādiu ipsum sicut regem Catholicum habuerint. Juravit etiam quod neque appellationes impediret, neque impediri permetteret, quin libere fierent in regno suo ad Romanum Pontificem, in ecclesiasticis causis, ita tamen, ut si ei suspensio fuerint aliqui, securitatem faciant, quod malum suum, vel regni sui non quarant. Juravit etiam quod ab instante natiuitatis Domini, usque in triennium crucem accipiet, & in proxima sequenti æstate in propria persona Ierosolymam iturus nisi remanserit per Alexandrum summum Pontificem, vel per catholicos successores ejus. Sed si interim pro urgente necessitate in Hispaniam super Saracenos profectus fuisset, quantum temporis in illo itinere consummaret, tantundem Ierosolymitanæ Spacium profectiois posset prolongare. Præterea juravit, quod interim tantum pecunia dabit Templariis, quantum ad arbitrium fratrum Templi possit sufficere ad retinendum ducentos milites, ad defensionem terre Ierosolymitanæ per spacium unius anni. Præterea perdonavit iram & malevolentiam suam omnibus tam clericis quam laicis, qui pro Sancto Thoma erant in exilio. Et concessit eis libere & in pace ad propria redire. Juravit etiam quod possessiones Cantuariensis Ecclesiæ, si quæ ablata sunt, in integrum restituet, sicut habuit uno anno antequam ab Angliā egrederetur beatus Thomas Cantuariensis Archiepiscopus. Juravit etiam quod consuetudines, quæ inductæ sunt contra ecclesias terræ suæ in tempore suo, penitus dimittet. Et hæc omnia juravit se fore observaturum bona fide & sine malo ingenio. Fecit etiam Henricum Regem filium suum hæc omnia capitula jurare tenenda: præter illa quæ propriam ejus personam contingebant. Et ut hæc in memoria Romanæ ecclesiæ haberentur, rex pater fecit apponi sigillum suum scripto illi, in quo prædicta capitula continebantur, una cum sigillis prædictorum Cardinalium.

Charta

Charta absolutionis Domini Regis.

Henrico Dei gratia illustri Regi Anglorum, Albertus tituli Sancti Laurentii in Lucina, & Theodinus tituli Sancti Vitalis Presbyteri Cardinales Apostolicæ sedis legati, salutem in eo, qui dat salutem regibus. Ne in dubium veniant, quæ geruntur & usus habet, & communis consideratio utilitatis exposcit, ut scripturæ serie debeant annotari. Inde quidem est quod nos mandatum illud in scriptum duximus redigendum, quod vobis pro eo facimus, quia malefactores illos, qui Sanctæ memoriæ Thomam quondam Cantuariensem Archiepiscopum occiderunt, occasione motus & turbationis, quam viderint in vobis, ad illud facinus processisse timeatis. Super quo tamen facta purgationem in presentia nostra de voluntate propria præstitistis, quod videlicet nec præcepistis nec voluistis ut occideretur. Et quando pervenit ad vos plurimum condoluistis. Ab instanti festo Pentecostes usque ad annum, tantam dabitis pecuniam, unde ad arbitrium fratrum templi ducenti milites valeant ad defensionem terre Ierosolymitanæ, per spacium unius anni teneri. Vos autem a sequenti natalis Domini, usque ad triennium accipietis crucem, proxima tunc æstate illic in propria persona, ducente Domino, profecturi, nisi remanseritis per dominum Papam, vel catholicos successores ejus. Sane si contra Saracenos pro urgente necessitate in Hispaniam profecti fueritis, quantum temporis fuerit, ex quo arripueritis iter, tantundem prædictum spacium Ierosolymitanæ profectiois poteritis prolongare. Appellationes nec impedietis, nec impediri permittetis, quin libere fiant in ecclesiasticis causis ad Romanum Pontificem bona fide & absque fraude, & malo ingenio, ut per Romanum Pontificem cause tractentur, & consequantur effectum suum: sic tamen, ut si vobis suspensio fuerint aliqui, quod malum vestrum vel regni vestri non querunt, & consuetudines, quæ inductæ sunt contra ecclesias terræ vestræ in tempore vestro penitus dimittens. Possessiones Cantuariensis ecclesiæ, si quæ ablatae sunt, in plenum restituetis, sicut habuit uno anno, antequam Archiepiscopus de Angliā egrederetur. Clericis præterea & laicis utriusque sexus pacem vestram in gratiam & possessiones suas restituetis: qui occasione prænominati Archiepiscopi destituti fuerunt. Hæc autem vobis, autoritate Domini Papæ, in remissionem peccatorum vestrorum injungimus & præcipimus observare, absque fraude & malo ingenio. Hoc sane coram multitudine personarum juravistis vos pro divina reverentia Majestatis. Juravit & filius vester, excepto eo, quod personam vestram specialiter contingebat. Et jurastis ambo, quod a Papa Domino Alexandro & catholicis successoribus ejus, quādiu vos sicut antecessores vestros, & catholicos regis habuerint, minime recedatis. Atque ut in memoria Romanæ ecclesiæ firmiter habeatur sigillum vestrum præcepistis apponi.

Ibidem, f. 303.
a. n. 30.
N. 62.

Decreta

Decreta per Theodinum & Albertum Cardinales
apud Abrincas promulgata.

Ibidem, f. 304.

a. n. 10.
N. 63.

1. **P**Veri ad Regimen illarum Ecclesiarum & ad illa administranda, *in quibus cura est animarum, minime admittantur.*

2. *Item filii Sacerdotum non ponantur in Ecclesiis patrum suorum.*

3. *Item laici partem oblationum in Ecclesia non percipiant.*

4. *Item Ecclesie Vicariis annuis non committantur.*

5. *Item Sacerdotes majorum Ecclesiarum, quibus ad hoc suppetunt facultates, alium sub se Presbyterum cogantur habere.*

6. *Item Sacerdotes non ordinentur sine certo titulo.*

7. *Item Ecclesie ad firmam annuam non tradantur.*

8. *Item de tertia parte decimarum nihil Presbytero, qui servit ecclesie, auferatur.*

9. *Item his, qui Decimas hereditario jure tenent, licentia sit cui voluerint idoneo clerico dare, eo quidem tenore, ut post eum, ad ecclesiam, cui de jure competunt revertantur.*

10. *Vir ad religionem non transeat, uxore in seculo remanente, vel converso, nisi ambo vacandi operibus carnis tempus exceperint.*

11. *Item in adventu Domini, omnibus qui poterunt, maxime autem Clericis & militibus, jejunium & abstinentia carniū indicatur.*

12. *Item Clerici Indei non ponantur ad jurisdictiones secularium potestatum administrandas: qui autem hoc presumpserint, a beneficiis ecclesiasticis arceantur.*

13. *Item de novis libris excommunicatorum, & rebus morientium quas auferunt Sacerdotes, & benedictionibus sponsorum, & baptismo, & de quadraginta & octo libris, que pro absolutione excommunicatorum exiguntur, nihil perfectum est, quia Episcopi Normannie illud decretum recipere noluerunt.*

Littera

Littera Alexandri Papæ de canonisatione beati
Thomæ Martyris.

Alexander Papa capitulo Cantuariensis Ecclesie. *Gaudendum est universitati fidelium de mirabilibus illius sancti & reverendi viri Thomæ quondam Archiepiscopi vestri. Sed vos exinde tanto ampliori gaudio et exultatione debetis repleti, quanto ipsius miracula occulta fide sepius intuemini, et ejus sacratissimo corpore ecclesia vestra spiritualius meruit illustrari. Nos autem considerata gloria meritorum ejus quibus in vita sua magnanimitate claruit, et de mirabilibus ejus non solum communi et celebri fama, sed et dilectorum nostrorum filiorum Alberti tituli: Sancti Laurentii, et Theodini tituli Sancti Vitalis Presbyterorum cardinalium Apostolice sedis Legatorum: et aliarum plurium personarum testimonio certitudinem plenam habentes: prefatum Archiepiscopum in capite jejunii, multitudine clericorum et laycorum presente in ecclesia, deliberato cum fratribus nostris consilio, solemniter canonizabimus, eumque deinceps Sanctorum Martyrum collegio annumerandum; vobis et universitati fidelium de Anglia Apostolica auctoritate mandantes ut natali ejus die quo vitam suam gloriosa passione finivit, annis singulis cum veneratione debita celebretis. Quum igitur dignum est et nobis plurimum expedit ut Sanctum corpus ejus cum ea qua decet reverentia, et honore condatur, discretionis vestre per Apostolica scripta mandamus, quatinus devotè et reverenter corpus ejus facta solenni processione, aliquo solenni die congregato clero et populo, in altari honorifice recondatis: aut ipsum in aliqua capsa decenti ponentes prout convenit elevetis in altum [* *] et patrocinio ejus pro salute fidelium et pace universalis ecclesie fatagatis apud Dominum, vestris piis orationibus inpetrare.*

[* *] Et apud eum * Potius orationibus fatagatis, veniam peccatorum promereri, ut qui pro Christo in vita Exilium, et in Morte, virtutis Constantia, Martyrium pertulit; Fidei jugi supplicatione pulsatus, pro nobis apud Deum intercedat. Dat. Signis 3 Idus Martii. Thus ends this Brief in Ralph de Diceto, and this is the difference between the two Copies in him, and Quadrilog; which last in the same place hath an Epistle from the Pope of the same Tenor, to all Bishops of the Christian Church, directing and commanding the same things.

Rad. de Diceto Col. 569.
n. 10.
Quadrilog.
lib. 4.
N. 64.

* Rad. de Diceto ut supra n. 50.

A.D. 1173.

De

De anno Jubilæo apud Cantuariam, out of the City Chamber Book. Somner as cited in the Margin.

Somner's Anti-
quities of
Canturbury,
p. 248.
N. 65.

Memorandum quod anno ab incarnatione Domini 1420. & anno Regni illustrissimi Regis & Principis Henrici 5. a conquestu Anglie octavo, tempore Willielmi Bennet & Willielmi Ichban tunc Baliborum Cantuarie, Henrici Chichele tunc Archiepiscopi Sedis Cantuarie, & Johannis Woodnesberwe ad tunc Prioris ecclesie Christi Cantuarie, die Dominica in festo translationis Sancti Thomæ Martyris extitit apud Cantuariam annus Jubileus in Ecclesia Christi Cantuarie, qui tunc existerat sextus annus Jubileus a translatione prædicti Thomæ Martyris gloriosi. Cujus quidem Jubilei Solemnizatio incepit ad horam duodecimam in vigilia dicti festi, & continuavit per 15 dies continuos proximo & immediate sequentes; quo tempore idem Rex & princeps illustrissimus fuit in Francia cum suo honorabili exercitu ab obsidione villa Millon quæ distat a Civitate Parisensi triginta milliaria. Qui quidem vero Ballivi prelibati universaliter præceperunt Civibus Civitatis illius sufficientiam domorum ad herbigrandum & ad hospitandum populum ad tunc pro salute animarum suarum adipiscenda venturum, divina gratia suffragante, tam infra Civitatem prædictam, quam infra suburbia Civitatis ejusdem habentibus, quod essent parati in lectis & aliis populo prædicto necessariis: Ac etiam præceperunt universis vitellariis dictæ Civitatis, viz. Tabernariis, Pandoxatoribus, Pistoribus, Carnificibus, Piscinariis, Cocis & hospitatoribus quod ordinarent contra tempus prædictum victualia populo prædicto tunc suffectura, qui quidem populus ut æstimabatur ad tunc attingebant ad numerum Centum millia hominum & mulierum tam Anglignientium quam alienigenientium exterorum, viz. Hibernicorum, Wallicorum, Scotticorum, Francorum, Romanorum, Carnificientium & Sernificientium, ad eandem Civitatem, pro gratia prædicta habenda ad tunc affluentium, pace vero et tranquillitate inter populum prædictum opitulatione Dei omnipotentis sueque gloriosissime genitricis Dei Mariæ, precibus quoque gloriosi Martyris Thomæ sociorumque ejus sanctorum Curie Celestis, veniendis, morando & redeundo, toto tempore Jubilei illius habitis & optentis. Qui quidem vitellarii ordinarunt victualia pro populo prædicto copiosa, ita quod lagena vini rubii de Vasconia tunc vendebatur ad octo denarios, et lagena vini albi ad sex denarios, et duo panes levati vendebantur ad unum denarium, et omnia alia victualia, Domino disponente, de bono foro extiterunt; per quæ Civitas prædicta & totus Comitatus Kancie exinde per totam Angliam favente altissimo magnum & diuturnum revera optinuerunt honorem.

Thomas Church fecit et scripsit, et ad hoc per plenam Curiam de Burgemoto, tam per Ballivos, Aldermannos, xii Juratos, cum xxxvi hominibus in numero consueti, specialiter requisitus fuerat, & in forma prædicta redegit in scriptis.

Si

Si quis Sacerdos vel clericus, in sacris ordinibus constitutus, ecclesiam vel ecclesiasticum beneficium habens publice fornicariam habeat, & semel, secundo, & tertio commonitus fornicariam suam non dimiserit, & a se prorsus non expulerit, sed potius in immunditia sua duxerit persistendum; omni officio & beneficio ecclesiastico spoliatur. Si qui vero infra subdiaconatum constituti matrimonia contraxerint, ab uxoribus suis nisi de communi consensu ad religionem transire voluerint, & ibi in Dei servitio jugiter permanere, nullatenus separentur: sed cum uxoribus viventes ecclesiastica beneficia nullo modo percipiant. Qui autem in subdiaconatu vel supra ad matrimonia convolaverint, mulieres etiam invitatas & renitentes relinquant. Decrevimus etiam ejusdem epistole auctoritate, ne filii sacerdotum in paternis ecclesiis a modo persone instituantur, nec eas qualibet occasione media non intercedente persona obtineant.

Clerici in sacris ordinibus constituti, edendi vel bibendi causa tabernas non ingrediantur, nec publicis potationibus intersint, nisi peregrinationis necessitate compulsi. Si quis vero tale quid fecerit, aut ecellet aut deponatur.

His qui in sacris ordinibus constituti sunt iudicium sanguinis agitare non liceat. Unde prohibemus ne aut per se membrorum truncationes faciant, aut inferendas indicent. Quod si quis tale fecerit, concessi ordinis privetur officio & loco. Inhibemus etiam sub interminatione Anathematis, ne quis Sacerdos habeat Vicecomitatum, aut præpositi secularis officium.

Clerici qui comam nutriunt, ab archidiacono etiam inviti tondeantur. Vestimentis etiam vel calceamentis, nisi quæ honestatem & religionem deceant, eos uti non liceat. Si quis autem contra hoc facere præsumpserit, & commonitus emendare noluerit, excommunicationi subiacet.

Quia quidam clerici desperantes ab episcopis suis ordinari, vel propter imbecillitatem, vel vite incontinentiam, vel Nativitatis conditionem, aut tituli defectum, aut etatem minorem, extra provinciam suam, interdum etiam a transmarinis Episcopis ordinantur, vel ordinatos se mentiuntur, ignota sigilla episcopis suis deferentes: Statuimus talium ordinationem irritam esse habendam: sub interminatione anathematis inhibentes, ne a quoquam ad officii sui executionem suscipiantur. Episcopum quoque nostre Jurisdictionis, qui talem sciens & prudens ordinauerit vel susceperit ab illius ordinis collatione ad quem eum ordinavit vel susceperit, usque ad condignam satisfactionem se noverit esse suspensum. Item: Cum Ecclesia Dei, secundum evangelicam veritatem, domus orationis esse debeat, & non Spelunca latronum, & sanguinis forum: secularis causas, in quibus de sanguinis effusione vel de pœna corporali agitur in ecclesiis vel in cœmiteriis agitari, sub interminatione anathematis. Absurdum enim est & crudele, ibi sanguinis iudicium exerceri, ubi et reis constituta est tutela refugii.

Dictum est, solere in quibusdam locis pro perceptione Ebrietas nummos dari: Similiter pro baptismo & communione. Hæc Symoniacæ hæresis esse derelicta est Sancta Synodus, & anathematizavit. Statuimus ergo ut de cetero nec pro ordinatione, nec pro Chrismate

Hoved. f. 310.
a. n. 50.

N. 66.

Ex Decretali
Epistola Ale-
xandri Pape
tertii ad Ro-
gerum Wi-
gorn. Episco-
pum.

Ex Concil. 3
Provincial.
Carthagin.
Can. 27.

Ex Concil.
Toletano, 3
Can. 3.

Ex Concil.
Agathensi,
Can. 20.
A. D. 506.

Ex Diversis
Decretis Ale-
xan. Innocen-
tii, & Concil.
Chalcedon &
Carthaginen.

Ex Concilio
Tiburini,
Can. 16. A. D.
895.

L

nec

nec pro baptismo, nec pro extrema unctione, nec pro Sepultura, nec pro communione, nec pro dedicatione, quicquam exigatur: sed gratis dona Christi gratuita dispensatione donentur. Si quis contra hoc facere presumpserit anathema sit.

Nullus Prælati, in recipiendo Monacho, vel Canonico, vel sanctimoniali pretium sumere, vel exigere ab his, qui ad conversationem veniunt, aliqua pacti occasione presumat. Si quis autem hoc fecerit anathema sit.

Nulli liceat ecclesiam nomine Dotulicij ad aliquem transferre, vel pro presentatione alicujus persone pecuniam, vel aliquod emolumentum patio interveniente accipere. Quod si quis fecerit, & inde in jure vel confessus vel convictus fuerit, ipsum, tam regia quam nostra freti auctoritate, patrocinio ejusdem ecclesie in perpetuum privari statuimus.

Secundum instituta patrum nostrorum sub interminatione anathematis prohibemus ne monachi vel clerici causa lucri negotientur: & ne monachi a clericis vel laicis firmas teneant, neque laici ecclesiastica beneficia ad firmas suscipiant.

Quicumque ex clero videntur esse, arma non sumant, nec armati incedant: sed professionis sue vocabulum religiosi moribus ex religioso habitu præbeant. Quod si contempserint, tanquam sacrorum Canonum contemptores, & ecclesiasticæ auctoritatis prophanatores, proprii gradus amissione multentur: quia non possunt simul Deo & seculo militare.

Illud etiam de Vicariis, qui personis fide & Sacramento obligati sunt, duximus statuendum, quod si fide vel Sacramenti religione contempta personatum sibi falso assumentes contra personas se exeruerint, super hoc in jure vel confessi vel convicti fuerint, de cetero in eodem Episcopatu ad officii sui executionem non admittantur.

Omnes decime terræ, sive de frugibus, sive de fructibus, Domini sunt, & illi sanctificantur. Sed quia multi modo inveniuntur decimas dare volentes: statuimus ut juxta Domini Pape præcepta admoneantur semel, secundo, & tertio, ut de grano, de vino, de fructibus arborum, de feni, de lana, de agnis, de butyro, & caseo, de lino, & cabus animalium, de reliquis que annuatim renovantur, decimas integre persolvant, quod si communiter non emendaverint anathemati se noverint subiacere.

Item. Calumniam & audaciam temere litigantium condemnando in expensis & alio multiplici remedio imperialis sanctio compescat. Quoniam igitur hoc sacris institutis consonare dignoscitur: præcipimus ut de cetero in causis pecuniariis, quæ inter clericos agitantur, victus victori condemnentur in expensis. Qui autem solvendo non fuerit, eum in arbitrio episcopi sui puniendum relinquo.

Invenimus tantum decem præstationes in sacro Catalogo recipiendas: unam in Allis Paschalibus. Et te quidem omni tempore. Secundam in die Ascensionis. Qui post resurrectionem. Tertiam in Pentecoste. Qui die Ascensionis. Qui post resurrectionem. Quartam de natali. Quia per incarnati ascendens super omnes celos. Quintam de apparitione Domini. Quia cum unigeniti verbi mysterium. Sextam de apparitione Domini. Quia cum unigeniti verbi mysterium. Septimam de Sancta Trinitate. Qui cum unigenito tuo. Octavam de cruce. Qui

Decreto
han. Pape.cretum no-
n.Decreto
trum.Concilio
eldenfi.Decreto
Alexand. Pa-
pe tertii Epif-
op. Norwi-
cn. Millo.Concilio
RothamagenfiEx Decreto
Palatii Pape.

Qui salutem humani generis. Nonam de jejunio quadragesimali tantummodo dicendam. Qui corporali jejunio. Decimam de Beata Virgine. Et te in veneratione beate Mariæ. Hujus igitur decreti & domini Pape Alexandri auctoritate districte præcipimus, ne quis præfatis præstationibus aliquam omnino presumat adjicere.

Inhibemus ne quis quasi pro complemento communione intinctam alicui eucharistiam tradat. Nam intinctum panem aliis Christum præbuisse non legimus, excepto illo tantum discipulo, quem intincta buccella magistri proditorum ostenderit, non quæ sacramenti hujus institutionem signaret.

Præcipimus ne consecraretur eucharistia, nisi in calice aureo vel argenteo, & ne stanneum calicem aliquis episcopus a modo benedicat, interdicimus.

Nullus fidelis cujusque conditionis sit occulte nuptias faciat, sed benedictione accepta a sacerdote publice nubat in Domino. Si quis ergo sacerdos aliquos occulte conjunxisse inventus fuerit, triennio ab officio suspendatur.

Ubi non est consensus utriusque non est conjugium, ergo qui pueris dant puellas in cunabulis nihil faciunt, nisi uterque puerorum postquam venerint ad tempus discretionis consentiat. Hujus ergo decreti auctoritate inhibemus, ne de cetero aliqui, quorum uterque vel alter, ad ætatem legibus constitutam & canonibus determinatam non pervenit, conjungantur: nisi forte aliquando urgente necessitate interveniente, pro bono pacis conjunctio talis toleretur.

Willelmus Rex Scotia devenit homo ligus domini regis contra omnes homines de Scotia, & de omnibus aliis terris suis: & fidelitatem ei fecit ut ligio Domino suo, sicut alii homines sui ipsi facere solent. Similiter fecit homagium Henrico Regi filio suo, salva fide Domini Regis patris sui. Omnes vero Episcopi, Abbates, & Clerus terræ regis Scotia & Successores sui faciant Domino Regi sicut ligio Domino fidelitatem, de quibus habere voluerit, sicut alii Episcopi sui ipsi facere solent, & Henrico Regi filio suo & hæredibus eorum. Concessit autem Rex Scotia, & David frater ejus, & Barones, et alii homines sui Domino Regi, quid Ecclesia Scotia talem Subjectionem a modo faciet Ecclesie Angliæ, qualem illi facere debet, et solebat tempore Regum Angliæ prædecessorum suorum. Similiter Richardus Episcopus Sancti Andree, & Richardus Episcopus de Dunkelden, et Gaufridus Abbas de Dunfermlin, et Herbertus Prior de Colingham, concesserunt ut etiam Ecclesia Anglicana illud habeat jus in Ecclesia Scotia, quod de jure debet habere, et quod ipsi non erunt contra jus Anglicanæ Ecclesiæ. Et de hac concessione, sicut quando ligiam fidelitatem Domino Regi et Henrico filio suo fecerunt, ita eos inde asscuraverunt. Hoc idem facient alii Episcopi, et Clerus Scotia, per conventionem inter Dominum Regem et Regem Scotia, et David fratrem suum, et Barones suos factam. Comites etiam et Barones et alii homines de terra Regis Scotia, de quibus Dominus Rex habere voluerit, facient et homagium contra omnem hominem, et fidelitatem ut

Ex Decreto
Julii Pape.Ex Concilio
Remensi.Ex Decreto
Hormisdæ
Pape.Ex Decreto
Nicholai pri-
mi Pape, Tit.
18. de Matri-
monio.Hoved. f. 311.
b. n. 40.
N. 67.
In the History
f. 314. D. this
Agreement is
referred to in
Number 16.
by mistake.

ligo Domino suo, sicut alii homines sui facere ei solent, et Henrico Regi filio suo, et heredibus suis; salva fide Domini Regis patris sui. Similiter heredes Regis Scotiae et baronum et hominum suorum huiusmodi et ligantiam facient heredibus Domini Regis contra omnem hominem. Præterea Rex Scotiae et homines sui nullum a modo fugitivum de terra Domini Regis pro feloniam receptabunt in Scotia vel in alia terra sua, nisi voluerit venire ad rectum in curia Domini Regis, et stare iudicio Curie. Sed Rex Scotiae et homines sui quam citius poterunt eum capient, et Domino Regi reddent, vel Iustitiariis aut ballivis suis in Anglia. Si autem de terra Regis Scotiae aliquis fugitivus fuerit pro feloniam in Anglia, nisi voluerit venire ad rectum in curia Domini Regis Scotiae, et stare iudicio Curie non receptabitur in terra Regis, sed liberabitur hominibus Regis Scotiae per ballivos Domini Regis, ubi inventus fuerit. Præterea homines Domini Regis habebunt terras suas, quas habebant et habere debent de Domino Rege, et hominibus suis. Et homines Regis Scotiae habebunt terras suas, quas habebant et habere debent de Domino Rege, et hominibus suis. Pro ista vero conventionem et sine firmiter observando Domino Regi, et Henrico filio suo et heredibus suis, a Rege Scotiae et heredibus suis, liberavit Rex Scotiae Domino Regi Castellum de Rokeburgh, et Castellum de Beretore, et Castellum de Geddewurde, et Castellum Puellorum, et Castellum de Streveline in misericordia Domini Regis. Et ad custodiendam Castellum illud assignabit Rex Scotiae de redditu suo mensurabiliter ad voluntatem Domini Regis. Præterea pro prædicta conventionem, et sine excepiendo, liberavit Rex Scotiae Domino Regi David fratrem suum in obsidem, et Comitem Dunecanum, et Comitem Waldevum, et Comitem Gylbertum, et Comitem de Aneus, et Richardum de Moreville constabularium, et Regem filium Williemi, et Richardum Cumin, et Walterum Corbet, et Walterum Olifard, et Johannem de Vals, et Willielmum de Lindelei, et Philippum de Colevile, et Philippum de Valvines, et Robertum Freubert, et Robertum de Burnevile, et Hugonem Giffard, et Hugonem Ridel, et Walterum de Berkelai, et Willielmum de la Haie, et Willielmum de Mortimer. Quando vero Castella reddita fuerint, Willielmus Rex Scotiae, et David frater suus liberabuntur. Comites quidem et Barones prænominati unusquisque postquam liberaverit obsidem suum, scilicet filium legitimum, qui habuerit, et alii nepotes suos vel propinquiores sibi heredes, et Castellis ut dictum est redditus liberabuntur. Præterea Rex Scotiae et Barones sui prænominati asscuraverunt, quod ipsi bona fide, et sine malo ingenio, et sine occasione facient, ut Episcopi et Barones et ceteri homines terre sue, qui non assuerunt quando Rex Scotiae cum Domino Rege finivit eandem ligantiam, et fidelitatem Domino Regi et Henrico filio suo, quam ipsi fecerunt, et ut Barones et homines, qui assuerunt, obsides liberabunt Domino Regi, de quibus habere voluerit. Præterea Episcopi, Comites et Barones conventionaverunt Domino Regi, et Henrico filio suo, quod si Rex Scotiae aliquo casu a fidelitate Domini Regis et filii sui et a conventionem prædictam recederit, ipsi cum Domino Rege tenebunt, sicut cum ligati Domino suo, contra Regem Scotiae, et contra omnes homines Regi inimicantes. Et ipsi sub interdicto ponent terram Regis Scotiae, donec ipse ad fidelitatem Domini Regis redeat. Prædictam itaque conventionem firmiter observandam bona fide, et sine malo ingenio, Domino Regi et Henrico filio suo et heredibus suis, a Willielmo Rege Scotiae, et David fratre suo, et a Baronibus suis prædictis, et heredibus eorum asscuravit ipse Rex

Rex Scotiae, et David frater eius, et omnes Barones sui prænominati sicut ligati homines Domini Regis, contra omnem hominem, et Henrici filii sui, salva fidelitate Patriis suis. His testibus, Richardo Episcopo Abincensis, et Johanne Salisburiensi Decano, et Roberto Abbate Malmesburie, et Radulfo Abbate de Mundeberg, et Petro Archidiacono Northamptonia, et Willervo de Constantiis, et Rogero Capellano Regis, et Roberto clerico de Camera, et Richardo filio Domini Regis Comite Pictavia, et Gaufrido filio Domini Regis Comite Britannie, et Comite Willielmo de Essex, et Hugone Comite Cestrie, et Richardo de Humete constabulario, et Comite de Melleit, et Johanne Thesaurario, et Hamfrido de Boun, et Willielmo de Catei Senescallo, et Willervo Male Senescallo apud Faleham. His itaque testibus in Ecclesia Sancti Petri Eboracensis coram prædictis Regibus Anglie, et David fratre Regis Scotiae, et universo populo, Episcopi Comites et Barones, et Milites de terra Regis Scotiae iuraverunt Domino Regi Anglia, et Henrico filio suo, et heredibus suis, fidelitatem contra omnem hominem sicut ligati Domini sui.

Charta Richardi Regis Angliae de libertatibus Willielmi Scottorum Regi concessis

Richardus Dei gratia Rex Anglie, Dux Normannie, et Aquitanie, et Comes Andegavia Archiepiscopis, Episcopis, Abbatibus, Comitibus, et Baronibus, Iustitiariis, et Vicecomitibus, et omnibus ministris et fidelibus suis totius Anglie, salutem. Scitis nos Carissimo consanguineo nostro Willielmo eadem gratia Regi Scottorum reddidisse castella sua Rokeburgh, et Beretore tanquam eius propria iure hereditario ab eo, et heredibus suis in perpetuum possidendam. Præterea quietavimus ei omnes conventiones, et pactiones, quas bona memoria pater noster Henricus Rex Anglie per novas chartas, et per captionem suam extorsit, ita videlicet ut nobis faciat integrè, et plenariè, quod Rex Scottorum Walcolmus frater eius antecessoribus nostris de iure fecit, et de iure facere debuit. Et nos faciamus ei quicquid antecessores nostri prædicto Walcolmo de iure fecerunt, et facere debuerunt, scilicet in conductu, veniendo ad Curiam, et redeundo à Curia, et in morando in Curia, et in procuracionibus, et in omnibus libertatibus, et dignitatibus, et honoribus eidem iure debitis, secundum quod recognoscitur à quatuor proceribus nostris ab ipso Willielmo Rege electis, et à quatuor proceribus illius à nobis electis. Si autem fines, sive marciæ Regni Scotiae aliquis nostrorum hominum, postquam prædictus Willielmus Rex à patre nostro captus fuerit, usurpaverit absque iudicio, volumus, ut integre restituantur; et ad eum statum reducantur, quo erant ante ejus captionem. Præterea de terris suis, quas haberet in Anglia, seu Dominiciis, seu teodis, scilicet in Comitatu Huntendonæ, et in omnibus aliis: in ea libertate et plenitudine possideat, et heredes ejus in perpetuum, qua Walcolmus possedit, vel possidere debuit, nisi prædictus Walcolmus, vel heredes sui aliquid postea infeodaverint: Ita tamen quod si qua postea infeodata sunt, ipsorum feodorum servitia ad eum, vel heredes

Hoved. f. 377. b
N. 68.

hæredes ejus pertineant. Et si quid Pater noster prædicto Willielmo Regi Scotiae donaverit, ratum & firmum habere volumus: Reddidimus etiam ei ligantias hominum suorum, & omnes chartas, quas Dominus Pater noster de eo habuit, per captionem suam: Et si aliqua alia forte per oblivionem retenta, aut inventa fuerint, eas penitus viribus carere præcipimus. Ipse autem ligius homo noster devenit de omnibus terris, de quibus antecessores sui ligii homines antecessorum nostrorum fuerunt, & fidelitatem juravit nobis, & hæredibus nostris, testibus his: Baldewino Cantuariensi Archiepiscopo, et Waltero Rothomageni Archiepiscopo, et Hugone Dunelmensi, et Johanne Northwicensi, et Huberto Saresburiensi, et Hugone Lincolnensi, et Godefrido Wintoniensi, & Osleberto Roseni, et Reginaldo Bathoniensi, et Hugone Coventrensi, et Willielmo Wigornienfi Episcopis, et Alienor matre Regis, et Johanne Comite Moritonitoni fratre Regis, et multis aliis.

Forma Pacis inter Richardum Regem Angliæ, & Philippum Regem Franciæ.

Quod interque illorum honorem alterius servabit, & fidem ei portabit de vita, et membris, & terreno honore suo, et quod neuter illorum alteri deficiet in negotiis suis: sed Rex Franciæ juvabit Regem Angliæ ad terram suam defendendam, ac si ipse vellet Civitatem suam Parisiensem defendere, si esset obsessa; et Richardus Rex Angliæ, juvabit Regem Franciæ ad terram suam defendendam, ac si ipse vellet civitatem suam Rothomagi defendere, si obsessa esset. Comites autem & Barones utriusque regni juraverunt, quod a fidelitate Regum non discedent, nec guerram movebunt ullam in terris illorum, quamdiu ipsi fuerint in peregrinatione sua. Et Archiepiscopi, et Episcopi firmiter promiserunt in verbo veritatis, quod in transgressores hujus pacis, et conventionis, sententiam anathematis dabunt.

Clemens

Clemens Papa Willelmo Eliensi Episcopo salutem.

Juxta commendabile desiderium & salubrem postulationem Karissimi in Domino filii nostri Richardi illustris Regis Anglorum, fraternitati tue legationis officium in tota Anglia, Wallia, tam per Cantuariensem quam Eboracensem Archiepiscopatum, & in illis partibus Hybernæ in quibus nobilis Vir Johannes Comes Moritonienfis frater ipsius Regis jurisdictionem habet & dominium, auctoritate duximus Apostolica committendum. Dat. Laterani Non. Junii Pontificatus nostri anno iii.

Rad. de Dice-
to, Col. 655.
n. 30.
N. 70.

Richardus Rex Anglorum omnibus fidelibus suis salutem.

Mandamus vobis, & præcipimus quod sicut de nobis confiditis, & sicut vos ipsos & omnia vestra diligitis, sitis omnino intendentes dilecto & fideli Cancellario nostro Elyensi Episcopo super omnibus quæ ad nos spectant, & pro ipso faciatis sicut pro nobismet ipsis faceretur, de omnibus his quæ vobis ex parte nostra dixerit. Teste meipso apud Baioniam vi. die Junii.

Ibidem, n. 40.
N. 71.

Charta Richardi Regis Angliæ de statutis illorum qui per mare ituri erant.

Richardus Dei gratia Rex Angliæ, & Dux Normanniæ, & Aquitaniciæ, & Comes Andegaviæ, omnibus hominibus suis Jerusalem per mare ituris, Salutem. Sciatis nos, de communi proboque virorum consilio, fecisse has justitias subscriptas. Qui hominem in navi interfecerit, cum mortuo ligatus projiciatur in mare. Si autem eum ad terram interfecerit, cum mortuo ligatus in terra infodiatur. Si quis autem per legitimos testes convictus fuerit, quod cultellum ad alium percutiendum extraxerit: aut quod alium ad sanguinem percusserit pugnum perdat. Si autem de palma percusserit sine effusione sanguinis: tribus vicibus mergatur in mari. Si quis autem socio opprobrium, aut convitia, aut odium Dei infecerit: quot vicibus ei convictus fuerit, tot uncias argenti ei det. Latro autem de furto convictus, tondeatur ad modum campionis, & pix bulliens super caput ejus effundatur, & pluma pulvinaria super caput ejus excutiantur ad cognoscendum eum, & in prima terra, qua naves applicuerint, projiciatur. Teste meipso apud Chinonem.

Richardus

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b. n. 10.
N. 72.

Richardus Rex Anglorum, Willielmo Marefcallo, Galfrido filio Petri, & Hugoni Bardolf. & Willielmo Briverr. apparibus. i. e. He wrote to every one of them, and sent to them a Copy of the same Letter.

Si forte Cancellarius noster negotia regni nostri, juxta consilium vestrum, & aliorum preditorum quibus curam regni nostri commissimus, fideliter non tractaverit, precipimus ut secundum dispositionem vestram de omnibus agendis regni nostri, tam de Castellis quam de ecclesiis, absque omni occasione faciatis.

Walterus Archiepiscopus Rothomagensis a Sicilia rediens venit in Angliam v. Cal. Maii apud Soreham litteras deferens in hac verba.

Richardus Rex Anglorum Willielmo Cancellario suo, Galfrido filio Petri, Willielmo Marefcallo, & Hugoni Bardolf. & Willielmo Briverr. apparibus. (As above.)

Scitis quod quia nos diligimus venerabilem patrem nostrum Walterum Rothomagensis Archiepiscopum, & de eo ad plenum confidimus, cum de peregrinatione sua, de consilio & assensu summi Pontificis, propter consilium & defensionem Regni nostri ad vos transmittimus, quoniam constat apud nos, ipsum esse ad hoc idoneum, & quia eum virum esse cognovimus prudentem, & discretum & nobis semper fidem: unde vobis mandamus & firmiter precipimus, quatinus in procurandis negotiis nostris, & in custodiendo & defendendo regno nostro, communicato cum eo in omnibus negotiis nostris consilio operemini; Volentes & precipientes quod quamdiu ipse erit in Anglia, & nos in peregrinatione Dei erimus, ipse pariter in omnibus cum consilio vestro, & vos cum suo. Vobis etiam mandamus quod ea quae sibi vobis de Archiepiscopatu Cantuariensi exponenda commissimus faciatis, sicut ipse vobis ex parte nostra proponet. Teste meipso xxiii. die Februarii apud Massnam.

Forma

Forma Pacis inter Cancellarium, & Johannem Comitem Moretonii.

Notum sit omnibus ad quos praesens scriptum pervenerit, contraveniam illam inter Comitem Moretonii, & dominum Cancellarium exortam, scilicet domino Rothomagensi Archiepiscopo, & Dunelmensi, Londoniensi, Wintoniensi, Bathoniensi, Rossensi, Coventrensi, Episcopis, & aliis fidelibus domini Regis mediantibus, esse scriptam; scilicet quod Comes Moretonii castella de Cikehil & de Notingham, quae ceperat, reddidit domino Regi per manum Domini Rothomagensis, tradenda custodia Willielmi Marefcalli, & Willielmi de Wendeval: scilicet Willielmo Marefcalli castellum de Nottingham, & Willielmo de Wendeval castellum de Cikehil: qui praedicta castella ad honorem & fidelitatem domini Regis, usque ad reditum ejus praestito juramento custodient: & cum redierit, ad suam inde voluntatem operabuntur. Et si forte Dominus Rex (quod absit) in hac peregrinatione sua decesserit, praedicta castella praedicto Comiti sine ulla detentione, & dilatione reddent. Et si forte dominus Cancellarius interim erga praedictum Comitem excesserit, & excessum ad consilium & considerationem praedicti Domini Rothomagensis, & aliorum familiarium Domini Regis, & Curiae suae requisita emendare sine dilatione noluerit, praedicta castella praedicto Comiti reddent & restituent. Sed & alia castella de honoribus a Domino Rege sibi data, quae fidelibus Domini Regis tradita sunt custodienda, scilicet domino Rothomagensi castrum de Wallingforde; Domino Linconiensi castrum de Bristow; Domino Eboracensi castrum del Pec; Richardo del Pec castrum de Ballefores; & si Richardus recipere noluerit, dominus Eboracensis recipiet; Waltero filio Roberto castellum de Epa; Comiti Rogero Bigot castellum de Hereford; Richardo Rebel castellum de Eronia, & de Lanfabetun; qui similiter fidelitatem Domini Regis de ipsis ad opus ipsius fideliter custodiendis, & si forte decesserit (quod Deus avertat) Domino Johanni reddendis, juraverunt. Sed & tria castella ad coronam Domini Regis pertinentia, scilicet castellum de Winesore Comitum de Arundil; castellum de Wintonia Gilberto de Lasci; castellum de Northampton Simoni de Pateshille tradita sunt custodienda; qui fidelitatem Domini Regis de ipsis ad opus ipsius fideliter custodiendis juraverunt. Sed & concessum est quod Episcopi, & Abbates, Comites, & Barones, Vassallosque, & libere tenentes non ad voluntatem Justiciarum, vel ministrorum Domini Regis de terris, & caballis suis distrahantur, sed iudicio Curiae Domini Regis secundum legitimas consuetudines, & alias regni tractabuntur, vel per mandatum Domini Regis. Et similiter Dominus Johannes ad petitionem praedicti Comitis, per Dominum Rothomagensis, si in Anglia fuerit, & per Justicias Domini Regis, & per eos, qui pacem juraverunt, emendabitur: & similiter Dominus Johannes ad petitionem eorundem emendabit. Nova castella, post transfectionem Domini Regis ad peregrinationem suam, facienda vel inchoata vel perfecta delebuntur, nec alia usque ad reditum Domini Regis nova firmabuntur, nisi in Dominicis maneriis Domini Regis, si opus fuerit; vel ad

Hoved. f. 398.
b. n. 30.
N. 75.

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opus

opus alicujus nominatæ persone per præceptum Domini Regis factum per literas, vel per certum nuncium. *Beatafina vicecomitatus Lincolnæ fuit Girardo de Cambilla: & eadem die dies ei conveniens præfigetur standi in Curia Domini Regis ad iudicium, quod si contra eum monstrari poterit, quod iudicio Curie Domini Regis vicecomitatum castelli Lincolnæ perdere debuerit, perdat; sin minus, retineat, nisi interim alio modo pax inde fieri possit. Nec dominus Johannes ipsum contra subiectum Curie Domini Regis manu tenebit: nec urblogos, vel inimicos Domini Regis, qui ei fuerint nominati, receptabit, nec in terris suis receptari permittet. Sed si quis retatus fuerit de aliquo forisfacto Domino Regi facto, bene licebit Comiti ipsum in terris suis receptare, quam diu ipse obtulerit se statutum ad rectum in Curia Domini Regis. Hanc ergo pacem bona fide sine malo ingenio tenendam, & servandam propriis manibus affidaverunt in manu Domini Rothomagensis prædicti, Comes, & Cancellarius, & quatuordecim Barones ex utraque parte iuraverunt. Scilicet ex parte Cancellarii Comes de Arundel, Comes de Salesburi, Comes Rogerus Bigot, Comes de Clare, Walterus filius Roberti, Willielmus de Braosa, Rogerus filius Rainfray; et ex parte Comitissæ Stephanus Ridel Cancellarius, Willielmus de Wennevat, Robertus de Mara, Philippus de Lurescestre, Willielmus de Kahannes, Gilbertus Basset, Willielmus de monte acuto. Et si quid infra Treugas captum fuerit, aut interceptum ab utraque parte, legitime reddetur & emendabitur. Et hæc facta sunt salva in omnibus auctoritate, et mandato Domini Regis; Ita tamen quod si Dominus rex ante adventum suum hanc concordiam teneri noluerit, prædicta castella de Nottingham & Tikehil Domino Johanni reddentur, quicquid Dominus Rex inde præcepit.*

BE it known unto all Men unto whom this present Writing shall come, That the Controversie between the Earl of Mortoun and the Chancellor by the Mediation of the Arch-Bishop of Ro- ven, the Bishops of Durham, London, Winchester, Bath, Rochester and Coventry, and other of the Kings Liegemen, was compounded upon these Terms.

That the Castles of Nottingham and Tikehill which the Earl had taken should be restored to the Arch-Bishop of Ro- ven for the Kings use, and that Nottingham should be kept by William Marshall, and Tikehil by William Wendeval until the Kings Return, and then they were to be disposed of according to his Direction. But if the King should die in his Peregrination, Then the Castles were to be re-delivered to the Earl without delay. And if the Chancellor shall offend against the Earl, and will not mend his offence, according to the advice and Judgment, of the Arch-Bishop of Ro- ven, or other the Kings Servants, (et aliorum familiarium Regis) That is the Justice, and of his Court, Then without Delay those Castles shall be Restored to him.

Also

Also the other Castles belonging to the Honors given him by the King, which were in the keeping of the Kings Liegemen. That is Wallingford in the custody of the Arch-Bishop of Ro- ven, Bisthou of the Bishop of London. The Castle of Idret of the Bishop of Coventry. Bisthou of Richard del Idret. The Castle of Ey of Walter Fitz-Robert, The Castle of Hereford in the Custody of Earl Roger Bigod. The Castles of Ecester and Launceston of Richard Revel, who were all sworn to keep them faithfully to the Kings use, and if he should die to render them to Earl John.

Also the three Castles belonging to the Kings Crown; Wind- sor was to be delivered to the Earl of Arundel, The Castle of Win- chester to Gilbert de Lacy, and Northampton to Simon Pateshul, faithfully to be kept for the Kings use.

Also it was agreed that the Bishops, Abbats, Earls, Barons, Vassors (that is Knights) and Free Tenents, should not be Disseised of their Lands or Goods, at the pleasure of the Justices or Kings Ministers, but by the Judgment of his Court, according to the lawful Customs and Statutes of the Kingdom, or by the Kings Mandate, and the like the Lord John shall cause to be observed in his Lands and possessions, and if any one presumes to do otherwise, at the Request of the Earl he shall be punished or fined by the Arch-Bishop of Ro- ven, if in England, and by the Justiciaries, and such as have been sworn Conservators of the Peace, and in like manner the Lord John shall punish and fine at their Request.

The New Castles which have been built or begun since the King went beyond Sea were to be Demolished, nor any other to be ray- sed, any where, unless it should be thought fit to do it upon the Kings Demesnes, unless some famous person might do it by the Kings Command signified by his Brief or Letters, or an unspected Messenger.

The Re-Scisin of the Sherifwic of Lincoln-Shire shall be given to Gerard de Camvill, and the same Day, he shall have a time set, of standing to the Judgment of, or appearing in the Kings Court, and if it could be made appear he was to lose the Sherifwic of the Castle of Lincoln by the Judgment of the Kings Court, he was to lose it; if otherwise he was to keep it, unless some other Agreement could be made.

Neither was the Lord John to protect him contrary to the Judgment of the Kings Court, nor receive any Out-Laws, nor any of the Kings Enemies which were named to him, or permit them to be received in his Lands. But if any one was accused of any forfeiture made to the King, the Earl might lawfully receive him, so long as he offered himself to stand Tryal, in the Kings Court.

The Earl and Chancellor putting their own hands within the hand of the Arch-Bishop of Ro- ven gave security for the observation of this Agreement in good faith, and without any evil Artifice, and fourteen Barons of both parts sware the same. On the Chancellors part, the

Earl of Arundel, the Earl of Salisbury, Earl Roger Bigod, the Earl of Clare, Walter Fitz-Robert, William de Braiosa, Roger Fitz-Rainfray. On the Earl's part Stephan Ridel his Chancellor, William de Wenneval, Robert de Mura, Philip de Wiresestre, William de Kahannes, Gilbert Basset, William Montacute; and if any thing should be taken, or intercepted by either party during the Truce, it should be lawfully restored, or Satisfaction given for it.

These things were done saving the Kings Authority and Command in all things; yet so, as if the King before his Return was not satisfied with this Agreement, the Castles of Nottingham and Ekebil should be delivered to the Lord John, whatsoever the King should command concerning them.

Epistola Richardi Regis Angliæ ad Alienor Reginam matrem suam, & ad Justitios suos Angliæ.

oved. f. 413.
n. 20.
N. 76.

Richardus Dei gratia Rex Angliæ, Dux Normanniæ, et Aquitaniæ, et Comes Andegaviæ, Alienor eadem gratia Reginæ Angliæ charissime matri sue, et Justitiis suis, et omnibus fidelibus suis per Angliam constitutis, Salutem. Notum sit Universitati vestre, quod postquam recesserunt a nobis dilecti nostri, Hubertus venerabilis episcopus Sarisburiensis, et Willielmus de Sancta Maria ecclesia protonotarius noster, venit ad nos charissimus Cancellarius noster Willielmus Eliensis episcopus: et eo inter Dominum Imperatorem, et nos fideliter interloquente, eo usque res pervenit, quod de Castello de Trivellis, in quo detinebamur, obviam venimus Imperatori apud Hagenou, ubi honorifice ab ipso Imperatore, et tota Curia recepti fuimus. Ibi Dominus Imperator, et Domina Imperatrix nos magnis, et variis muneribus honoraverunt; et, quod præcipuum est, mutuum feodus amoris et indissolubile inter Dominum Imperatorem contractum est, et nos. Ita quod interque nostrum, alterum contra omnes viventes in jure suo obtinendo, et retinendo, juvare debet. Honoris autem circa ipsum Imperatorem moram facimus; donec ipsius et nostra negotia perficiantur, et donec ei Septuaginta millia marcarum argenti solverimus. Quare vos rogamus, et in fide, qua nobis tenemini, adjuramus, quatenus in hac pecunia perquirenda solliciti sitis, et vos Justitii nostri, qui aliis in regno nostro præestis, exemplum aliis præbeat: ut ita honorifice et magnifice de proprio nobis subveniatis, et etiam de his, quæ de aliis mutuo accipere poteritis, et aliis fidelibus nostris exemplum detis similia faciendi. Universum autem aurum, et argentum Ecclesiarum diligenti observatione, et scripti testimonio ab ipsarum Ecclesiarum Prælatibus accipiat: eisque per Sacramentum vestrum, et aliorum Baronum nostrorum quos volueritis, affirmetis, quod eis plenarie restituentur. Universorum etiam Baronum nostrorum obfides recipiat, ut cum fidelissimus Cancellarius noster, quam cito peractis in Alemannia negotiis nostris in Angliam venerit, eisdem obfides penes charissimam matrem nostram Reginam reperiat, ut eos, de quibus inter nos, et Dominum Imperatorem convenit, expedite possit.

possit ad nos transmittere: ne liberatio nostra per absentiam obfidium, & negligentiam vestram moram patiatur. Pecuniæ autem collecta similiter matri mee, & illis, quibus ipsa voluerit, tradatur. Quem autem in necessitate nostra promptum inventiensem in suis necessitatibus amicis nos repperiet, & remuneratorem; gratiusque nobis erit, si quis in absentia nostra in aliquo nobis subveniat, quam si in presentia nostra in duplo quis nobis subveniret. Volumus autem ut singulorum Magnatum nomina, & subventiones, quæ presentialiter fient, per sigillum matris nostre nobis significentur, ut sciamus, quantum unicuique in gratiarum actionibus teneamur. Sciatis pro certo, quod si in Anglia in libera potestate nostra essemus constituti, tantam vel majorem pecuniam Domino Imperatori daremus, quam modo damus pro passionibus consequendis, quas per Dei gratiam consecuti sumus: & si etiam pecuniam non præ manibus haberemus, proprium corpus nostrum Imperatori traderemus, donec pecunia solveretur; antequam quod factum est relinqueretur imperfectum. In bulla autem Domini Imperatoris aurea fert vobis Cancellarius noster predictam testificationem. Testibus nobis ipsis apud Hagenou, 13 Cal. Maii.

In mense Septembris missi sunt ex parte Regis per singulos Comitatus Angliæ Justitii errantes, & secundum subscriptorum formam capitulorum processerunt in justitiis exequendis.

Hoved. f. 423.
a. n. 30.
N. 77.

Forma Procedendi in Placitis Coronæ Regis.

In primis eligendi sunt quatuor Milites de toto Comitatu, qui per Sacramentum suum eligant duos Legales Milites de quolibet Hundredo, vel Wapentacco, & illi duo eligant super Sacramentum suum, Decem Milites de singulis Hundredis, vel Wapentaccis, vel si Milites defuerint, Legales, & Liberos Homines, ita quod illi duodecim insimul respondeant de omnibus Capitulis de toto Hundredo, vel Wapentacco.

Ibidem, n. 40.
N. 77.

Capitula Placitorum Coronæ Regis.

DE Placitis Coronæ novis, & veteribus, & omnibus, quæ nondum sunt finita coram Justitiariis Domini Regis. Item de omnibus recognitionibus, & omnibus Placitis, quæ summonita sunt coram Justitiariis per breve Regis, vel Capitalis Justitiæ, vel à Capitali Curia Regis coram eis missa. Item de elchaetis, quæ sunt & quæ fuerunt, postquam Rex arripuit iter versus terram Jerusalem, & quæ fuerunt tunc in manu Regis, & iterum sunt modo in manu ejus, vel non, & de omnibus.

N. 77.

bus exchaetis Domini Regis, si à manu sua sunt remotæ, quomodo, & per quem, & in cuius manus devenerunt, & qualiter, & quis exitus inde habuerit, et quos, & quid valuerint, & quid modo valeant; & si aliqua exchaeta sit, quæ ad Dominum Regem pertineat, quæ in manu ejus non sit. Item de ecclesiis quæ sunt de donatione Domini Regis. Item de Custodiis puerorum, quæ ad Dominum Regem pertinent. Item de Maritagis puellarum, vel viduarum, quæ ad Dominum Regem pertinent. Item de Malefactoribus & eorum rectoribus & eis consentientibus. Item de Falfionariis. Item de rectoribus Iudæorum, qui sint; & de vadiis Iudæorum interfectorum, & catallis, & terris, & debitis, & chartis, & quis ea habuerit, & quis quantum eis debuerit, & quæ vadia habuerint, & quis ea teneat, & quantum valeant, & quis exitus inde habuerit, & quos: & omnia vadia, & debita Iudæorum interfectorum capiantur in manu Regis; & qui ad occisionem Iudæorum fuerunt, & non fecerunt finem cum Domino Rege, vel Justiciariis suis, capiantur, & non deliberentur nisi per Dominum Regem, vel Justiciarios suos. Item de omnibus auxiliis datis ad redemptionem Domini Regis, quis quantum promiserit, & quantum reddiderit, & quantum à retro sit. Item de fautoribus Comitibus Johannis, qui finem cum Domino Rege fecerunt, & qui non. Item de Catallis Comitibus Johannis, vel fautorum ejus, quæ ad usum Domini Regis non sunt conversa, & quantum vicecomites receperunt, vel ballivi sui, & quis aliquid contra antiquas consuetudines regni dederit. Item de omnibus terris Comitibus Johannis, de Dominicis, & Wardis, & exchaetis, & de donis suis, & quæ de causa data sunt ei illa dona, & omnia dona Comitibus Johannis capiantur in manu Domini Regis, præterquam illa quæ per Regem confirmata sunt. Item de debitis & finibus, quæ debentur Comiti Johanni, & quæ de causa; & omnia exigantur ad opus Domini Regis. Item de fœneratoribus & eorum catallis, qui mortui sunt. Item de vinis venditis contra assisam, & de fallis mensuris tam vini, quam aliarum rerum. Item de cruciatis mortuis ante iter suum arreptum versus Jerusalem, & quis eorum catalla habuerit, & quæ, & quanta. Item de magnis assisibus, quæ sunt de centum solidatis terre, & infra. Item de defaltis, Præterea in quolibet Comitatu eligantur tres milites, & unus Clericus custodes placitorum Corone, & nullus Vicecomes sit Justitiarius in Vicecomitatu suo, nec in Comitatu, quem tenuerit post primam Coronationem Domini Regis. Præterea tailleantur omnes Civitates, & Burgi, & Dominica Domini Regis: Justitiarii vero nominati, una cum ballivis Willielmi de Sanctæ Mariæ Ecclesia, & Gaufridi Filii Petri, & Willielmi de Chimelli, et Willielmi Bruere, & Hugonis Bardulsi, & Vicecomitis Locorum summoneri faciant milites in Comitatu in rotulo nominatos; ut ad diem & locum, quem eis scire faciant, veniant, & coram eis jurare faciant illos, quod legale posse suum ponent ad Wardas, & exchaetas Domini Regis instaurandas, & ad appretiendas ad commodum Domini Regis, nec alienius odio, favore, vel gratia illud omittent; & quod prædicti milites nominati super sacramentum suum eligent duodecim legales milites, vel liberos, & legales homines, si milites ad hoc inventi non fuerint, per diversas partes singulorum Comitatum in itinere prædictorum Justitiariorum, sicut expedire viderint; qui similiter jurent, quod ad Wardas, et exchaetas de partibus illis instaurandas, et appretiendas, et affirmandas suum legale posse, et consilium, et auxilium apponent ad commodum Regis, ut prædictum est; et prædicti jurati supra sacramentum suum eligent de liberioribus hominibus exchaetarum, et Wardarum, et

et quales noverint esse sibi necessariis, ad prædicta Domini Regis negotia, sicut melius fieri potest ad commodum Domini Regis, exequenda. Et sciendum est, quod prædictæ Wardæ, et exchaetæ instaurabuntur de exitibus ex eis provenientes, usque ad festum Michaelis. Item de exitibus ejusdem Terminis, et si hi non sufficiunt, supplebitur deficiens de Telonio Domini Regis, ita quod illi, qui tenebunt Wardas, et exchaetas illas ad firmam, respondebunt inde à festo Sancti Michaelis, et deinceps tanquam de stauratis. Dominus autem Rex illis, qui Wardas illas et exchaetas ad firmam tenebunt, eas usque ad terminum suum de anno in annum Warrantizabit; ita quod licet Dominus Rex aliquam illarum alicui dedisset, firmarius firmam suam tenebit, usque ad finem anni per firmam et reddendam, cui Rex eam dederit, quam Dominus Rex inde perceperit. Justitia vero exchaetæ, quam dederit, remaneat Domino Regi, nisi Dominus Rex illud nominatim dederit, firmarius vero cum firmam suam dimiserit, instauramentum suum, et omnia sua, quæ in firmis posuerit ultra instauramentum Regis, liberè et sine diminutione habebit, et inde habebunt literas Domini Archiepiscopi patentes, continentem tenorem Chartæ Domini Regis super hoc factæ: inquiretur item diligentissime quantum sit assisus redditus per singula maneria in Dometio, et quantum valeant omnia alia in prædictis maneriis assisa, et quot sunt carucæ, et quantum singule valeant, non estimantes eas ad pretium viginti solidorum tantum: sed secundum quod terra fuerit vel bona, vel mala, creitac, vel decreitac pretium. Illi vero qui firmas suscipient, firmas suas instaurabunt, ut prædictum est, secundum pretium prædictum de exitibus exchaetarum, et Wardarum. Inquiratur item de quot bobus, et averiis singule carucæ valeant instaurari, et quot, et quantum instauramentum singula maneria possit sustinere, et tunc aperte, et distincte in scriptum redigantur. Erit autem pretium bovis 4 Solidi, et vaccæ similiter, et averi similiter, & ovis crispæ 10 Denarii, et ovis lanæ grossioris 6 Denarii, et suis 12 Denarii, et verris 12 Denarii, et cum firmarii firmas suas dimiserint de prædicto pretio respondebunt, vel de animalibus pacabilibus in optione firmariorum; et cum omnia prædicta instaurata fuerint, et appretiata, omnia imbreventur aperte, et distincte, et deferantur ad Scaecarium. Excipiuntur autem de hac assisa Episcopus, et Abbat, et terræ Baronum, qui proximi sunt atati. Inquiratur etiam per Sacramentum prædictorum de omnibus Wardis, et exchaetis, quæ non sunt in manu Domini Regis, et capiantur in manu Domini Regis, et de illis fiat, sicut de aliis exchaetis, et Wardis.

In the Month of September the King sent Itinerant Justices through all the Counties of England, who were to proceed in doing Justice according to the under-written Heads or Articles.

The Form of Proceeding in Pleas of the Crown.

First, Four Knights are to be chosen of the whole County, which upon their Oath shall choose Two Legal Knights, of every Hundred or Wapentach, and those Two shall choose upon their Oaths Ten Knights in every Hundred or Wapentach; and if there be not Knights enough, Lawful and Free-men, so as thote Twelve together may answer to all the Articles which concern that Hundred or Wapentach.

Articles of Pleas of the Crown.

The Justices shall inquire and determine New and Old Pleas of the Crown, and all such as were not determined before the Kings Justices. Also of all Pleas of * Novel Disseins, and all Pleas which were summoned or brought before the Justices by the Writ of the King or Chief Justice, or sent before them from the Kings Capital Court. Also concerning Escheats what they were, and had been since the Kings Expedition to Jerusalem; and what were then in the Kings Hands, and whether they are now in the Kings Hands, or not. If they were taken out of his Hands, how and by whom, and to whose Hands they came, and in what manner. And who receives the Issues and Profits of them, and what the Profits are, and what was, and now is their value; and if there be any Escheat which belongs to the King, and is not in his possession. Also of Churches which were in the Kings Gift; Also of Wardships of Children, and Young Men that belong to the King. Also of the Marriages of Maidens and Widows that belong to the King. Also of Malefactors, their Receivers and Incouragers. Also of Falsenars, such as forged and counterfeited false Charts and Writings. Also of the Killers of Jews, who they were; and of the Pawns of the Jews that were slain, of their Goods, Lands, Debts, and Charts, who had them in their possession, and what their value. The Pawns and Debts of the Jews to be taken into the Kings Hands; and those that were present at the Killing or Murthering of the Jews, and have not made Fine or Composition with the King, or his Justices, let them be taken, and not delivered but by the King or his Justices. Also of all Aids given for the Redemption of the King; who, and how much every one promised, how much paid, and how much in Arrear. Also of the Favourers or Abettors of Earl John, who have made Composition with the King, and who not. Also of the Goods and Chattels of Earl John and his Favourers, which are not yet converted to the

the Kings use, how much the Sheriffs and their Bayliffs have received, and whether any one hath bribed them contrary to the Ancient Customs of the Kingdom. Also of all the Lands of Earl John, such as he had in his own Hands, his Wardships and Escheats, of such as had been given him, and for what cause they were given him, all to be taken into the Kings Hands, unless such as the King confirmed to him. Also of the Debts and Fines due to Earl John, and for what cause due. They were all to be required for the Kings use. Also of Usurers that were dead; and their Goods. Also of Wines sold contrary to the Assise, and of False Measures of Wines and other things. Also of such as undertook the Crusado, and died before they set forward toward Jerusalem, who had their Chattels, what, and how much. Also of (a) Great Assises which were of Land worth an Hundred Shillings a year and under. Also of Defaults, (that is, non-appearances in Court, chiefly at a day assigned.) Furthermore, they were to choose, or see there should be chosen, Three Knights and one Cleric, in every County, who were to note and set down, or hold the Pleas of the Crown, and no Sheriff was to be a Justiciary in his own County, nor in any County he held since the first Coronation of the King. Furthermore, all Cities, Burghs, and the Kings Demeasns, were to be Taxed by the Justices Itinerant. The Justices (b) named, together with the Bayliffs of William of the Church of Saine Mary, and Geoffrey Fitz-Peter, and William de Chumell, William Bruer and Co. Hugh Bardolf, and the Sheriffs of the Places, should cause the Knights in the County named in a Roll to be summoned, that they come at the day; and to the place they shall have notice of, to swear before them. That they would use their utmost lawful endeavour to stock all the Kings Ward-Lands, and Escheats, and improve them to the Kings best profit, and not omit, for the hatred, fear or favour of any Man: And the Knights named in the Roll were to choose upon their Oaths Twelve Lawful Knights, or Lawful and Legal Free-men, if Knights were not to be found, in several parts of the Counties in the Ier. of the foresaid Justices, as they should think fit, who in like manner were to swear, That they would Apply their utmost lawful Endeavour, Counsel and Help, to stock, improve, and let to Farm the Kings Ward-Lands and Escheats in those parts, to the profit of the King as aforesaid. And the said Jurats or sworn Persons were upon their Oaths to choose, of the best Free-men residing upon the Escheat or Ward-Lands, so many, and such as they thought fit for their purpose, to manage the Kings Business, as it might best be done for his profit. And they were directed to (d) stock the Ward-Lands and Escheats with the Issues and

(a) So called from the Trial of Right, which was the greatest Trial, and was brought into Court by a Writ of Right, by which the Jurors were directed to discover who had more right to the Land in question, whether the Demandant or the Tenant and Possessor.

(b) The Itinerant Justices were named I suppose, though omitted by the Historian.

(c) These were Commissioners for the Management of the Kings Wardships and Escheats undoubtedly in the Ier assigned to these Justices; or perhaps all over England.

(d) In these times, and two or three hundreds of years afterward, the Kings, but especially the Bishops, Abbats, and Temporal Nobility and Knights, kept much and many of their Manors and Lands in their own Hands, and stocked and managed them by a Treasurers and Servants, and sometimes let them to Farm stocked.

Profits of them until Michaelmas, and if that was not sufficient, what Wanted, was to be supplied out of the Kings Tolls, so that they which took to farm those Ward-lands and Escheats, were to answer for them from Michaelmas as Stocked. And the King would Warrant to such as held them in farm, those Ward-Lands, and Escheats, from year to year during their Term. So that altho, the King gave any of them to any one, yet the Farmer should hold his farm, until the end of the year, paying what should be due from the King, but the Justice, as Royalties, Forfeitures, &c. which happened upon the Escheat the King Granted, were to remain to the King, unless the King granted them particularly and by name (that is by express words.) The Farmer when he leaves his farm, shall take of all his own stock, he set upon it, besides the Kings stock, freely without Diminution, and they shall have the letters patents of the Arch-Bishop (as chief Justice) containing the Tenor of the Kings Chart made concerning this matter. They were to inquire, what was the Rent of * Assise or Constant Rent in every Maner of the Kings Demesnes, and the value of all things upon those Maners, and how many Ploughlands or Carucates they contained, and what their value, non-estimating them at 20 s. only, the Plough-land; but more or less, according as the land was better or Worse. Those that took farms, might stock them with the Profits of the Lands as aforesaid. They were also to inquire how many Oxen and Horses ought to be kept for the Tilling of every plough-land, and what stock every Maner would maintain, and clearly and distinctly to put them in Writing. A Plough-Ox was then valued at 4 s. a Cow and Plough-Horse at the same Rate, a Sheep with fine Wool at 10 d. and with course Wooll 6 d. a Sow at 12 d. and a Boar at 12 d. and when the Farmers left their farms, they were to pay so much money, or leave so many Saleable-Beasts at their choice; and when all the Ward-lands and Escheats, were Stocked, improved and valued, they were to be inventoried clearly and Distinctly, and the Inventory carried into the Exchequer. Bishoppes, Abbats, and the Lands of Barons near Age were excepted out of this Constitution. They were to inquire by the Oaths of the persons aforesaid, of all Wards and Escheats, that were not in the Kings Hands, that they might be taken into his possession, and ordered as the others.

Capitula placitorum Coronæ Regis.

DE placitis Corona nonis, & veteribus, que non sunt finita coram Justitiis Domini Regis. De omnibus assis. De morte antecessorum. De nova dissaisina. De magnis assis usque ad 10 libras terræ, & infra. Et de advocationibus Ecclesiarum, & capientur coram iis electiones magnæ assise per mandatum Domini Regis, vel ejus supralis Justitie. De Ecclesiis vacantibus, vel non vacantibus, que fuerint de donatione Domini Regis, quis eas donaverit, vel quis eas habereat, & per quem & quantum valent. De exactis Domini Regis & eorum valentis, & quis eos habeat & per quem. De dominabus, & de valetis, & puellis que sunt, vel esse debent in donatione Domini Regis.

& de valentis terrarum suarum; & si quis eorum, vel earum sit maritatus; & inquiratur, cui & per quem & a quo tempore. Inquirendum est etiam, que vidue non fuerint pro se maritandis, & finis capiatur ad opus Domini Regis. De Sergentariis Domini Regis quis eas habet, & per quem, & quantum valent, & qui finem non fecerint ad auxilium Domini Regis, & qui fecerunt, & finis capiatur. De usuris Christianorum, & eorum catallis, qui sunt mortui. De illis sunt in misericordia Regis, & non admerciati. De præpresturis Domini Regis. De viis Domini Regis estrecciatis. De thesauris inventis. De malefactoribus, & eorum receptoribus. De fugitivis reatis reversis post ultimam assisam. De omnibus ponderibus, & mensuris, & aliis renovatis, & si quatuor homines, qui sunt attornati ad hæc custodienda, in unaqueque villa fecerint, quod inde statutum est, & si attachiaverint transgressores illius assise; & si non attachiaverint, prout debent, puniantur sicut ipsi transgressores. Totum vinum illius, qui vendidit contra assisam, capiatur ad opus Domini Regis, & præterea Dominus Vini & venditores sint in misericordia Regis. Inquirendum est per omnes Comitatus de hidis, & carucatis, & si Justitiarum, qui ad hæc attornati fuerint, se bene habuerint, & si de omnibus receptoribus, & si aliqua concelaverunt. De custodibus portuum maris, si quid receperunt, quod non reddiderunt, & si mercedem aliquam receperunt pro jure Regis retinendo, & si quis aliquid receperit, qui non fuerit ad hoc attornatus. Inquirendum est, si omnes venerint ad summationes Justiciarum Domini Regis, sicut venire debent, & si quis sit qui non venerit, quis ille fuerit, & qualiter nominatus fuerit.

Assisa Domini Regis de Forestis.

Hæc est assisa Domini Regis, & hæc sunt præcepta de Forestis suis in Anglia facta per assensum, & Consilium Archiepiscopi, & Episcoporum, & Abbatum, Comitum & Baronum, & Militum totius regni sui, Dominus Rex primum defendit, quod si aliquis ei forisfaciat de venatione sua, vel de forestis suis in aliqua re, non vult, quod confidat in hoc, quod habuit misericordiam de illis per eorum catalla hucusque, qui ei forisfecerint de venatione sua, & de Forestis suis. Nam si qui a modo ei forisfecerint inde, & inde convicti fuerint, plenariam vult de illis Justitiam fieri, qualis facta fuit tempore Henrici avi patris Domini Regis, viz. ut amittant oculos, & testiculos. Item Dominus Rex defendit, quod nullus habeat arcus, vel sagittas, neque canes, neque leporarios in forestis suis, nisi habeat ipsum Regem ad warrantum suum, vel aliquem alium, qui cum possit inde warrantizare. Item Rex defendit, quod nullus donec, vel vendat aliquid ad destructionem Bosci sui, vel ad vastam, que sit infra forestam Regis: sed concedit bene, quod capiant de boscis suis, quod necesse eis fuerit sine vasto, & hoc per visum forestarii sui, & viridationum suorum. Item præcipit, quod omnes illi, qui Boscos habent infra metas forestæ Domini Regis, quod possint idoneas * forestarias in Boscis suis, de quibus forestariis, ipsi quorum Bosci fuerint, sint plegii, vel tales inveniant plegios idoneos, qui possint emendare, si forestarii in aliquo forisfecerint quod Domino

* Wood-men.

Or Tenents
Military
service. alius
rec Tenents.

Domino Regi pertineat. Item præcipit, quod sui forestarii curam capi-
ant super forestarios militum, & aliorum, qui Boscos habent infra metas
forestæ Domini Regis, quod Bosci non destruantur. Nam si super hoc
Bosci eorum destructi fuerint, sciant bene illi, quorum Bosci fuerint, quod
de ipsismet vel de eorum terris capietur emendatio, & non de alio. Item
præcipit Rex, quod sui Forestarii jurent, quod secundum omne posse suum
tenebunt ejus assisam, qualem eam fecit de forestis suis, & quod non vexa-
bunt milites, neque probos homines de hoc, quod Dominus Rex eis con-
cessit de Boscis eorum. Item præcipit, quod in quolibet Comitatu, in quo
venationem habet, ponantur 12. Milites ad Custodiendam venationem
suam, & viride in forestis suis, & quod 4. * Milites ponantur ad adgi-
standos Boscos suos, & ad recipiendum pannagium suum, & custodiend-
um, & defendendum. Item præcipit, quod nullus adgisset Boscos suos
infra metas forestæ suæ, antequam Bosci eorum adgissentur: & est sciend-
um quod incipit adgittamentum Domini Regis 15 dies ante festum S.
Michaelis, & durat 15 diebus post festum S. Michaelis. Item præcipit
Rex, quod si forestarius ejus habet in Custodia sua Dominicos Boscos Re-
gis, et Bosci illi destructi fuerint, et non possit, nec sciat justam causam
monstrare, quare Bosci destruantur, nihil aliud capiatur de forestario illo,
nisi proprium corpus suum. Item præcipit, quod nullus clericus ei foris-
faciat de venatione sua, neque de forestis suis: et præcipit bene foresta-
riis suis, quod si invenerint eos forisfacientes, non dubitent, in eos
manus imponere, ad eos resistendos et capiendos: ipse enim eos inde
warentizabit. Item Rex præcipit, quod omnia essarta videantur in quo-
libet 3. anno tam nova, quam vetera intra reguardum, et omnes purpre-
sture similiter, et omnia wasta Boscorum, et quod quodlibet illorum per
se imbrevietur. Item Rex præcipit quod Archiepiscopi, Episcopi, Co-
mites, Barones, et Milites, et Libere Tenentes, et omnes homines
de terra sua veniant ad summationem magistri forestarii sui ad placi-
tanda placita de forestis suis. Prohibendum est etiam ad placita forestæ,
ne aliqua caretta exeat chiminum in foresta Regis, neque porci sint in
forestâ Regis tempore de Foinesum; Scilicet, 15 diebus ante Nativitatem
S. Johannis Baptiste, et 15 diebus post idem festum. Est autem sciend-
um quod qui forisfecerit in foresta Regis de venatione sua, et inde at-
taintus fuerit, erit in misericordia Regis ad oculos et testiculos perden-
dos. Qui autem forisfecerit in foresta Regis de viridi sive per culpa-
turam, si ver per esbrancaturam sive per foditionem turvarum. sive per
efcoriationem motæ, sive per culpationem de sub, nemore, sive per essar-
tum, sive per novam purpresturam per sepem, vel fossatum, vel per re-
novationem molendini, vel cursus aquæ, vel Bercaria, vel aliarum do-
morum, vel per scenum falcandum extra sepem, vel extra fossatâ; erit in
misericordia Regis de pecunia sua, nisi habet viridarios, vel forestarios
Regis ad warrantum. Similiter qui arcus, vel sagittas portaverint, vel
canes duxerint sine copula per forestam Regis, et inde attaintus fuerit,
erit in misericordia Regis. Statutum etiam est, quod semper in 3.
anno fiat visus forestæ: in reguardo autem forestæ hæc supradicta videnda
sunt. Et videnda sunt in reguardo nova essarta, et vetera in bladata
post ultimum reguardum, et quod blado, vel legumine in bladata sunt.
Nova autem sarta erunt in manu Regis; si vetera sarta inbladata sunt de
frumento, vel siligine, unaquæque acra dabit Regi 12 denarios de illa
vestitura; et si inbladata fuerint de avena vel hordeo, vel fabis, vel
pis, vel alio legumine, unaquæque acra dabit Regi 6 denarios de illa
vestitura.

Articles

Articles of Pleas of the Crown.

THE Judges Itinerant were to hear and determine all *Pleas* of the
Crown New and Old which were not determined before the
Kings Justices. And all (a) *Assises*, Death of Ancestors, Novel Disseins,
and of great *Assises* so far as Ten Pounds by the year of Land and
downwards, and of *Abbottings of Churches*. The Actions of the
Great *Assise* (or a Writ of Right by which the property was tryed)
was brought by the *Mandate* or *Writ* of the King, or his *Capital Justice*.
They were to inquire of vacant and full Churches, which were in the
Kings Gift, who gave them, and who had them, and what their value.
Of the Kings *Escheats*, their value, who had them, and by whom. Of
Ladies, Young Gentlemen, and Women, which were or ought to be
in the Kings Gift, (that is, as to Marriage) what the value of their
Lands, and whether they were Married. To whom, by whom, and
how long. They were also to inquire, what Widows had not Fined
or Compounded for License to Marry themselves, and the Fine to be
taken to the Kings use. Of the Kings (b) *Serjeanties*, who hath
them, and from whom, and their value, and who of them contributed
toward an Aid to the King, and who not, and let the Fine or Compo-
sition for the Aid be taken to the Kings use. Of the *Usury of Christi-
ans*, and of their Goods, and what (c) *Usurers* were dead. Of those that
were in the Kings Mercy and were not amerced, or fined. Of (d) *Pur-
prestures*, or the Kings Ways streightened. Of *Tresure found*. Of *Ma-
lefactors*, and their Receivers. Of *Fugitives* who had been accused,
and were returned since the last Assise. Of all *Weights* and Measures,
and Ells renewed, and if (e) *Four Men* that were appointed to look
after them in every Town (that is, *City, Burgh, or Mercate Town*)
had done as the Statute required, and had attached or prosecuted the
Transgressors or not: if not, they were to be punished as the Trans-
gressors. All his Wine, that sold contrary to the Assise or Statute,
was to be seized to the Kings use, and the Owners and Sellers of the
Wine were to be in the Kings Mercy, (that is, to be punished by him.)
They were to inquire how many *Hydes* and *Plough-Lands* there were in
every County, and whether the Officers appointed to assess and collect
the five Shillings upon every Plough-Land had done their duty, and
had received it of all, or concealed any. Of the *Officers of Sea-Ports*,
if they had received any thing they had not given an account of, or
taken any thing for concealing the Kings Right, or if any one had re-
ceived any thing that was not appointed a Receiver. They were to
inquire if all came as they ought, that were summoned by the Kings
Justices, and what they were that came not, and what their Names.

- (a) By Assises here are meant the Ancient Writs by which Actions were brought, either for
Right or Propriety, by a Writ of Right or Possession, by a Writ of the Death of an
Ancestor, or of Novel Dissein, by a Writ of that Title, &c.
(b) Lands held by many Men in all Counties for some particular Services performed to the
King, see Append. to the Introduction to History, p. 22. A.
(c) The King had the Goods of Usurers after their Death.
(d) Incroachments upon the Kings Lands, his High-Ways, diverting or stopping Water-
Courses, incroaching upon Streets in Cities and Burghs, &c.
(e) See the Statute or Assise of Weights and Measures before.

Before

Novel. f.
t. b. n. 30.

Before * this *Iter*, or these *Circuits* of the Justices were over, the *Iter* or *Circuit* of the *Forests* began. The King commanded *Hugh Nevill*, Chief Justice of All the *Forests* in *England*, *Hugh Wac*, and *Ernis Nevill*, That in every County through which they went They should Summon to appear before them at the Pleas of the Forest, the *Archbishops*, *Bishops*, *Earls*, *Barons*, and all Free Tenents, and the *Reeve*, and *Four Men* of every Town to Hear the Kings Commands.

This is the *Affise* of the Lord the King, and these are his *Precepts* concerning his *Forests* in *England*, made by the *Affent* and *Advice* of the *Archbishops*, *Bishops*, *Earls*, *Barons*, and *Knights* of the Whole Kingdom.

The King Declares That if any one forfeits to him concerning his * *Venison*, or his *Forests* in any thing, he is not to trust to this, That he shall only be punished in his Goods as hitherto. For if after that time any one forfeited and was Convicted, he should have full Justice done upon him, as it was in King *Henry* his Grandfathers time. That is, he should Lose his *Eyes*, and *Testicles*. Also the King forbids that any one have *Bowes* and *Arrows*, or *Hounds*, or *Greyhounds* within his *Forests*, unless he had the Kings Warrant, or the Warrant of any other that was of right able to protect him. Also the King forbids, That no man give or sell any thing to the Destruction of his Wood, nor do Walt in his Forest, But he Grants, that any Man may take of his own Wood, as much as he shall have need of, without walt, and this by the oversight of his Forester and *Verders*. Also the King Commands that they who have Woods within the Bounds of the Forest, do set good * *Woodmen* to look after them, and such as they will be answerable for, or such as can give security to make satisfaction, if they offend in any thing that belongs to the King. Also he Commands that his Foresters, take care of the *Woodmen* of *Knights* or others, which have Woods within the Bounds of the Kings Forest, that they do not destroy the Woods. For if their Woods were destroyed, he let them know, whose Woods they were, he would take satisfaction of their Lands, and not from any other Person. Also the King Commands, that his Foresters shall Swear that according to their whole power, they shall keep his *Affise* (or Law) which he hath made concerning his *Forests*, and that they shall not vex or trouble the *Knights*, or *Worthy men*, about what he granted them concerning their Woods. Also he Commands that in every County wherein he hath *Venison*, there shall be twelve men appointed to preserve his *Venison*, and * *Green-hue* in his *Forests*. And that there shall be *Four Knights* appointed to *Agist* his Woods, (that is, take in a certain number of Cattle to feed there a certain time, or to assign the number of Cattle to such as had right to feed in the Forest) and to

Venationem,
venationem. Fren.
venison. Engl.

* *Virtle*, that
is the *Green-
Wood*, and
the *bag* of
the Forest.

Receive

Receive his *Pasnage* or *Pannage* (that is the money due for such feeding) and to preserve it, that it should not be diminished. Also he commanded no man might agist his Woods, (that is, put their cattel into them) within the bounds of his Forest, before their own Woods were agisted. And it is to be noted that the Kings *Agistment* (or right of feeding Cattel in the Woods and Forest) begins fifteen days before Michaelmas, and continues fifteen days * after. Also the King Commands, That if his woods that were in his own hands, or in *Demesne* were destroyed, and his Forester could not tell how, his Body should be Imprisoned. Also he commanded that no *Clerc* should offend concerning his *Venison*, or *Forests*, and that if his Foresters found them offending they should take them, and he would Warrant them therein. Also the King commanded that all *Effarts* as well old as new (this is places where underwood, and bushes had been Stubb'd up, and the land ploughed and sown) which were within *Regard* or *View* of the Forest, should be viewed once in three years, and in like manner all *purprestures* and *Wasts* in Woods, and that every one should be inrolled by it self. Also the King Commanded that the *Archbishops*, *Bishops*, *Earls*, *Barons*, *Knights* and *Free Tenents*, and all men of his land, should come to the Pleas of the Forest at the summons of his *Walter Forester*. It was also forbidden at the pleas of the Forest that no Cart or Wagon should go out of the way in the Forest, nor *Hogs* be in the Forest at the time of * *Foinesun*; that is to say, fifteen days before St *John Baptists*, and fifteen days after; and 'tis to be noted that he which takes *Venison* in the Kings Forest, and shall be thereof attainted, shall be in the Kings Mercy as to the losing of his *Eyes* and *Testicles*, and he that offended in the Kings Forest, in the *Green-hue* or *Vert*, by chopping down Trees, or topping of the Branches, by Digging *Tarves*, or *slaying*, that is, taking the *Green-Sword* of the Ground, by cutting away the under part of *Thickets*, by *Effarts*, or new *purprestures*, by *hedges* or *Ditches*, by erecting *Mills*, making new *Water-Courses*, erecting *sheep Coates* or *lodges*, or other houses, by mowing *Hey* beyond the *Hedges* and *Ditches*, shall be in the Kings mercy for his Goods, unless he hath the Kings *Verders* or *Foresters* to warrant him. In like manner he that carried *Bowes* and *Arrows*, or *Dogs uncoupled* thorough the Kings Forest, and was thereof attainted, was in the Kings Mercy. It was also Decreed, that once in three years there should be a view of the Forests; and in the *Regard* or *view* of the Forest these things were to be observed; What old or new *Effarts* were sown since the last review, and with what *Grain*. The new *Effarts* were to be taken into the Kings hand. If the Old *Effarts* were sown with *Wheat* or *Rie*, every Acre was to yield the King twelve pence for that Crop, and every Acre that was sown with *Oats*, *Barly*, *Beans*, or *Pease*, was to yield the King six pence for that Crop.

* Here must
be some mis-
take, but how
well to recti-
fie it I know
not.

* *Fannesun*, the
time when the
Do's *Fawn*.
Foinesun, or
Faonesun, from
the French
Faon, a *Fawn*.

Omnibus

Omnibus Christi fidelibus clerus totius Norman- niæ Salutem.

d. de Dice-
Col. 657. m.
A. D. 1190.
N. 79.

AD universitatis vestre notitiam volumus pervenire, contentionem motam inter matrem nostram Rothomagensis Ecclesiam, procurante eam in absentia reverendi patris nostri W. Archiepiscopi J. de Constantis Rothomagensi Decano, & Willielmum filium Radulphi Senescallum Normanniæ: super quibusdam capitulis de quibus Ecclesia Dei conquerebatur, sub presentia nostra, & batonum Domini Regis, assistentibus quoque quam pluribus Normanniæ ministris, hoc tandem sine conquievise.

1. Inprimis, determinatum est de clericis, quod nulla occasione à secularibus potestatibus capiantur; nisi pro homicidio, furto, & incendio, vel hujusmodi enormi flagitio quod ad placitum gladii pertineat, & tunc cum requisiti fuerint ab Ecclesiasticis iudicibus quieti reddentur in Ecclesiastica curia judicandi.

2. Item, generaliter omnes de fidei latione, vel juramenti transgressione quæstiones in Ecclesiastico foro tractabuntur. Super treuge vero violatione antiqua consuetudo, & Cartarum H. & R. illustrium regum Angliæ tenor observabitur.

3. Item, Quæstiones de dote vel donatione propter nuptias quando mobilia vel se moventia petuntur, ad Ecclesiam referentur. Quæstio vero super eisdem de immobilibus, Dominis nostris Regi & Archiepiscopo determinanda reservatur.

4. Item, In Conventualibus Ecclesiis, Abbates, vel Priores, aut Abbatissæ cum assensu Diocesani Episcopi eligentur.

5. Item, Nulla fiet recognitio in foro Seculari super possessione quam viri religiosi, vel quæcunque Ecclesiasticæ personæ xx. annis vel amplius possederint. Similiter nulla fiet recognitio si carta vel alio modo elemosinatum esse possessionem probare poterint. Sed ad Ecclesiasticos Iudices remittentur.

6. Item, distributio eorum que in testamento relinquuntur auctoritate Ecclesiæ fiet, nec decima pars ut olim subtrahetur. De bonis vero clericorum etsi dicantur fuisse usurarii, vel quocunque genere mortis præventi, nihil pertinet ad secularem potestatem, sed Episcopali auctoritate in pias causas distribuentur.

7. Item, Quicquid laici in vita sua donaverint vel quocunque titulo à se alienaverint, etsi usurarii fuisse dicantur, post mortem non revocabitur. Que vero post mortem non alienata inveniuntur, sed recognitum fuerit ipsos tempore mortis fuisse usurarios, confiscabuntur.

8. Item, Si mortuus habuerit aliquod vadium unde sortem suam perceperit, portio ipsius libera ad eum qui invadiavit, vel ad hæredes ipsius

ipsum revertetur. Idem fiet de portionibus uxoris & filiorum ejus post mortem ipsorum.

Si quis vero subitanea morte vel quolibet alio fortuito casu præoccupatus fuerit, ut de rebus suis disponere non possit, distributio bonorum ejus ecclesiastica auctoritate fiet.

Epistola Galfridi de quadragesimâ parte reddituum colligenda, in Subventionem terræ Sanctæ.

Galfridus filius Petri Comes Essexæ universis Vicecomitibus balliæ sue, Salutem. Sciat, quod Dominus Rex Angliæ, ad instantiam, & prædicationem cujusdam Cardinalis à summo Pontifice missi in Franciam, de Consilio magnatum suorum de partibus transmarinis concessit ad Sanctæ Jerusalem subsidium quadragesimam partem Valoris omnium reddituum, & terrarum suarum unius anni, tam de Wardis, quam de excaetis in manu sua existentibus. Quod etiam ipsi magnates sui ultra mare voluntarie concesserunt. Ad eorum etiam instantiam scripsit Dominus Rex omnibus Angliæ Magnatibus per literas patentes; rogans, & inducens eos, quatenus puro corde, & Charitatis intuitu idem illud de valore omnium reddituum, & terrarum suarum unius anni concederent; quod quidem nec debuit, nec de consuetudine, nec de coactione, nec de aliqua alia Autoritate Apostolica conceditur, vel postulat. Unde præcipit, quod omnes Comites & Barones de quilibet balliva in primis admoncantur, & inducantur diligenter, quatenus pro se hanc Collectam faciant in terris suis hoc modo; scilicet, ut quilibet quadragesimam partem valoris cujuslibet villæ sue, sicut posset poni ad firmam per annum. Et si in eadem villa fuerint per servitium Militare tenentes, dent quadragesimam portionem modo prædictam si autem fuerint libere tenentes, similiter dent eandem portionem modo prædictam, computato redditu, quem dominis suis solverint per annum. Hanc autem collectam colligi faciant per tam discretos, & legales, qui ad hoc possint, & sciant sufficere, qui eam recipiant tam de Comitibus, quam de Baronibus prædictis. Et postquam per manus eorum fuerit collecta, receptores prædictæ collectæ faciant in scriptum redigi distincte, & aperte, quantum de quolibet receperint, tam de Comitibus, quam de Baronibus, & Militibus, & libere tenentibus; & nomina singulorum, & villarum, quantumcunque de singulis villis, & quorum quilibet sit, imbruiari faciant. Summam autem de Dominicis, & de wardis, & excaetis, & redditibus Domini Regis faciant separatim imbruiari. Si quis vero clericus laicum feodum habuerit in ballia aliqua, vel homines tenentes laicum feodum, in eorum terris fiat hæc collecta per prædictos Collectores modo prædicto. De terris autem cruce signatorum prædicta collecta fiat modo prædicto, ita tamen quod eorum pecunia separatim reponatur ab aliis; & summa pecunie, & nomina singulorum, quorum ipsa pecunia fuerit, subscribantur; ut illi qui iter arripuerint, pecuniam suam promptè recipiant. Provideatur autem, quod pecunia illa sit collecta, ita quod unusquisque Vicecomes simul cum Collectoribus habeat eam apud Novum Templum Londoniæ à die Sancti Hilarii in quindecim dies, & imbreuiamentum modo prædicto ordinatum, viz.

Hoved. f. 471.
a. n. 10.
N. 80.

viz. de summa pecunia, & nominibus eorum, qui eam dederint, & nominibus Villarum, de quibus data fuerit pecunia prædicta, & quantum de qualibet datum fuerit. Si qui autem contra dixerint huic collectæ assensum præbere, nomina eorum imbreventur, & eorum nobis represententur apud Lundoniam ad terminum prædictum, & hoc breve, & nomina collectorum ibidem habeantur. Valete.

ut. Paris,
21. 11. 42.
N. 81.

Majores ecclesiæ causas ad sedem Apostolicam referendas; & Canonica tradit authoritas, & approbata consuetudo declarat. Cum igitur inter vos & dilectos filios nostros Priorem & Monachos Cantuariensis Ecclesiæ, super jure illius Archiepiscopi eligendi controversa verteretur: proponentibus vobis quod tum ex jure communi, tum ex antiqua consuetudine, una cum illis debetis ipsius Archiepiscopi electionem celebrare. Illis autem à contrario respondentibus, quod de jure communi & privilegio speciali, & de consuetudine approbata & antiqua; Cantuariensem Archiepiscopum eligere deberent sine vobis: Lite coram nobis per procuratores idoneos super hoc legitime contestata, diligenter audivimus, que partes in presentia nostra proponere curaverunt. Pars squidem vestra & decreta pariter & exempla studuit allegare; quosdam testes producens, & testimoniales literas exhibens, quibus ostendere nitetur, quod vos tres Metropolitanos elegeratis una cum illis: cum per literas & attestaciones sit probatum, vos & alio loco & alio tempore non sine illis, electiones hujusmodi celebrasse. Testes autem producti ex parte Monachorum, legitime probaverunt, quod Prior & Conventus Cantuariensis Ecclesiæ, à longis retro temporibus electiones Episcoporum in Capitulo suo, sine vobis usque ad hæc tempora celebrarunt: & easdem obtinuerunt à sede Apostolica confirmari. A nobis etiam & prædecessoribus nostris, per privilegii paginam est statutum; ut decedente Archiepiscopo Cantuariensi, nullus ibi qualibet surreptionis astutia seu violentia præponatur: nisi quem communi consilio major pars Monachorum Consilii sanioris, secundum Dominum & sacrorum Canonum sanctiones providerit eligendum. Nos igitur his & aliis, quæ coram nobis allegata sunt, auditis & perspicaciter intellectis; quia constat evidenter, quod vos sine illis secundum assertionem vestram eligere non debetis, Monachis exclusis, vestra non valet electio; & electio Monachorum sine vobis celebrata, quia à sede Apostolica meruit confirmari, valebat. Cumque necessarium fuerit alterutrum confirmare; de communi fratrum nostrorum Consilio, vobis & successoribus vestris super jure Cantuariensem Archiepiscopum eligendi, silentium perpetuum imponimus; & Monachos Cantuarienses ab impetitione ac molestatione vestra & successorum vestrorum per sententiam definitivam absolvimus. Autoritate Apostolica decernentes, ut Monachi Cantuariensis Ecclesiæ & Successores, eorum de cætero Archiepiscopum eligant sine vobis. Datum Romæ apud Sanctum Petrum, duodecimo Kalendas Januarii; Pontificatus nostri anno nono.

Sanctissimo

Sanctissimo Patri & Domino Innocentio Dei gratia summo Pontifici, Johannes eadem gratia Rex Angliæ, &c. Destinamus ad pedes Sanctitatis vestre latores presentium, nuncios nostros attentius rogantes quatenus dignitates quas nos et Antecessores nostri habuimus super provisionibus tam Ecclesiæ Cantuariensis quam aliarum Cathedralium secundum quod nobis per literas Episcoporum Angliæ, et aliorum fide dignorum constare poterit, integras et illasas conservare velitis et Ecclesiæ Anglicanæ et Regno in Arcto constitutis, paterna provisione providere. Teste G. filio Petri Comite Essex apud Foret. Vicesimo sexto die Martii.

Pat. 8. & 9. Johannis M. 4. n. 18.
N. 82.

Rex omnibus, &c. Sciatis quod per commune consilium et assensum Concilii nostri apud Oxonium provisum est ad defensionem regni nostri et recuperationem juris nostri concessum est quod quilibet laicus homo totius Angliæ de cuiuscumque feodo sit, qui habet in Angliæ redditus et catalla det nobis in auxilium de unaquaque mercata redditus sui annuales duodecim denarios et de unaquaque mercata cuiuslibet catalli mobilis quam habuit in Octabis Purificationis Beate Marie scilicet ad terminum Concilii, duodecim denarios et sic secundum plus et minus; et omnes Senescalli et Ballivi Comitum et Baronum jurabunt coram Iusticiariis nostris de valentia reddituum et Catallorum mobilium dominorum suorum et de suis propriis similiter. Et quilibet homo præter Comites et Barones jurabit de suis propriis redditibus et catallis secundum quod Iusticiarii nostri ad hoc transmissi utilitati nostræ melius viderint expedire. Et si aliquis convictus fuerit quod ad evitandum commodum nostrum fraudulenter amoverit catalla sua vel in aliquo loco celaverit vel in alicujus alterius potestate posuerit, vel minus quam valuerint appreciaverit, omnia catalla ejus capientur ad opus nostrum quietæ, et corpus ejus in prisonam nostram ponetur, donec per nos delivretur. Quodlibet autem hundredum in Comitatu nostro imbrevietur per se et qualibet parochia in quolibet Hundredo per se. Ita quod Iusticiarii nostri sciant de qualibet villa per se respondere. Cum autem Iusticiarii nostri auxilium studeant in quolibet hundredo, Civitate, vel villa asseruerint statim transferre faciant a rotulis suis omnes particulas auxilii assisi et liberetur Vicecomiti Comitatus colligendum per terminum quinquendæ in quindenam cum omni festinatione, et Iusticiarii nostri rotulos suos salvo penes se custodiant donec ad nos eas afferant. Statutum est etiam quod omnes Clerici nostri, et omnes Iusticiarii nostri, et Clerici eorum et omnes qui se in aliquo de negotio isto intromittent jurabunt quod fideliter ex toto posse suo hoc negotium facient, sicut constitutum est, et quod pro nulla re hoc omittent. Præcipimus autem super vitam et membra quod quilibet denarius bonus et de legali pondere capiatur, quamvis non sit novus tam ad opus nostrum quam ad omnium aliorum regni nostri. Ad hoc autem auxilium in Comitatu vestro assidendum mittimus loco nostro Robertum de Berkeley, Ricardum de Hucegros, Willelmum de Faten, Magistrum R. de Glocestre, Walterum de Ara, Adamum filium Bigelli, &c. Et vobis præcipimus quod eis de hoc tanquam nobis sitis intendentes. Teste me ipso apud Northampton. xvii die Februarii.

Pat. 8. & 9. Johannis M. 3. Dorio.
N. 83.

* Commissio.
ncta.

Innoceñtius Papa tertius, Johanni Regi Anglorum, &c. Inter opes terrenas, quas mortalis oculus concupiscit & quasi cariora desiderat, aurumobrizam & lapides pretiosos principatum credimus obtinere. Licet autem his & aliis divitiis, vestra Regalis abundet excellentia; in signum tamen dilectionis & gratia, quatuor annulos aureos cum diversis lapidibus pretiosis, tue magnitudini destinamus. In quibus te volumus specialiter intelligere formam, numerum, materiam & colorem, ut mysterium potius quam donum attendas. Rotunditas enim eternitatem significat, que initio caret & fine. Habet ergo Regalis discretio quod in forma requirat: ut de terrenis transeat ad celestia, de temporali- bus ad aeterna procedat. Quaternarius autem qui numerus est quadratus, constantiam mentis significat; que nec deprimi debet in adversis, nec in prosperis elevari: quod tunc laudabiliter adimplebit, cum quatuor virtutibus principalibus fuerit ordinata; videlicet Justitia, Fortitudine, Pru- dentia, Temperantia. Intelligas ergo in primo Justitiam, quam exerceas in judiciis; in secundo Fortitudinem, quam exhibeas in adversis; in tertio prudentiam, quam observes in dubiis; in quarto Temperantiam, quam in prosperis non demittas. Per aurum vero Sapientia designatur: quia sicut aurum preminet metallis universis, sic sapientia donis omnibus antecellit, Propheta testante: Requiescet super eum Spiritus Sapientie, &c. Nihil est autem quod Regem magis oportet habere. Unde Rex ille pacificus Salomon, sciam a Domino sapientiam postulavit, ut populum suum commissum perinde sciret gubernare. Porro Smaragdi viriditas, fidem; Saphiri serenitas, spem; Granati rubicunditas, Charitatem; Topatii claritas, operationem bonam significat, de qua Dominus, Luceat Lux vestra. Habet igitur in Smaragdo quod credas, in Saphiro quod speres, in Granato quod diligas, in Topatio quod exerceas, ut de virtute in vir- tutem ascendas, donec Dominum Deorum videas in Sion.

Rex, &c. Londoniensi, Elyensi, & Wigornienſi Episcopis, Salu- tem. Sciatis quod parati sumus obedire Domino Papa sicut de- bemus, & mandatum ejus super negotio Cantuariensis Ecclesie ad nos directum, quod nobis ostendistis implere, cum Consilio fidelium nostro- rum sicut decet, secundum rationem: Salvis nobis in omnibus & re- redibus nostris, in jure nostro, & dignitate nostra, & libertatibus nostris. Testibus G. filio Petri, Comite Essex, R. Comite Cestrie, W. Comite Arundel, W. Comite Sarisburiensi, Fratre nostro, R. Comite de Clara, S. Comite Winton, A. Comite Oxon, Roberto filio Rogeri, R. Con- stabulario Cestrie, W. Briwer, apud Lameh. vicesimo primo die Januarii.

Rex, &c. W. Londoniensi Episcopo, &c. Mandamus vobis quod li- teras nostras patentes quas fecimus vobis & fociis vestris, execu- toribus mandati Apostolici super negotio Cantuariensis Ecclesie adimplen- do, salvo jure et dignitate nostra, traditis Justiciario nostro G. filio Petri. Et in hujus rei testimonium vobis has literas nostras Patentes inde Mittimus. Teste meipso apud Suhant, Vicesimo tertio die Martii.

Rex

Rex Fulconi de Kantilup et Reginaldo de Cornhul, &c. Sciatis quod commisimus Magistro Radulpho de Sancto Martino, et Ro- berto de London custodiam Ecclesie Christi Cantuarie, cum omnibus que ad interiora ejusdem Ecclesie spectant et commisimus eidem Roberto et Henrico de Sandwic custodiam omnium Maneriorum Prioratus ejus- dem Ecclesie cum omnibus pertinentiis suis. Et commisimus predictis Magistro Radulpho et Roberto et Radulpho de Arden custodiam om- nium maneriorum Archiepiscopatus Cantuariensis cum omnibus perti- nentiis suis quamdiu nobis placuerit. Et ideo vobis mandamus quod ea illis tanquam Custodibus nostris statim visis literis istis ita liberari faciat et bene imbrevari omnia que eis liberaveritis. Teste filio Petri apud West- monasterium Vicesimo tertio die Januarii Anno Regni nostri nono.

Rex omnibus hominibus totius Kantie, &c. Sciatis quod Magister Simon de Langeton venit ad nos apud Winton die Mercurii proximo ante mediam quadragesimam, et coram Episcopis nostris rogavit nos quod Magistrum Stephanum de Langeton fratrem suum reciperemus in Archiepiscopatum Cantuariensem & cum loqueremur ei, de salvanda nobis in hac dignitate nostra. Dixit nobis, quod nichil. Nobis inde faceret, nisi ex toto poneremus nos in misericordiam suam. Hoc autem vobis mandamus, ut Sciatis malum et injuriam nobis in hac parte factam & mandamus vobis quod credatis hiis que Reginaldus de Cornhul vobis dixerit ex parte nostra de facto prefato ibidem inter nos & predictos Episcopos & ipsum Simonem facto & de faciendo super hoc preceptum nostrum. Teste meipso apud Winton. decimo quarto die Martii.

Rex, &c. Roberto Lupo, et G. de Serland. Sciatis quod reddi- dimus Domino Wintoniensi Episcopo, Episcopatum Wintonie, & omnes terras, res, redditus & possessiones suas, & wardas suas, et omnia sua capta in manum domini Regis, occasione Interdicti. Et ideo vobis mandamus, quod ei Episcopatum suum, et omnia sua in Balliva tua ha- bere faciat, et in pace terra faciat; Retentis in manu nostra, terris, redditibus, et rebus omnibus Abbatum, Priorum, et domorum Religio- rum, et etiam Clericorum de Episcopatu suo. Teste W. Briwer. apud Waerle, Quinto die Aprilis.

Sub eadem forma scribitur aliis in quorum Ballivis habet terras, res vel tenementa.

Rex

te was Shc-
of Hamp-
re.
auf. 9. Jo-
annis, M. 3.
N. 90.

R Ex H. de * Nevil, &c. Mandamus vobis quod permittas Domino Winton Episcopo habere in bona pace omnes terras res & redditus Prioratus Winton captas in manu nostram in Balliva vestra occasione Interdicti, & si quid inde amotum est occasione illa id eis sine dilatore integre reddi faciatis. Teste W. Brimer apud Merleb. 10. die Aprilis. Eodem modo scribitur aliis in quorum Ballivis habet terras.

laus. 9. Jo-
annis, M. 3.
N. 91.

M Andatum est Roberto de Burgata, quod faciat habere Episcopo Norwicensi, totum Regale, quod ad Episcopatum suum pertinet, & omnia Maneria sua, & omnes terras & wardas suas, & omnia sua capta in manu Domini Regis occasione Interdicti, retentis in manu Domini Regis omnibus terris, redditibus, & rebus omnium Abbatum, Priorum & virorum Religiosorum, & etiam Clericorum de Episcopatu suo. Mandatum est etiam eidem quod faciat habere Comiti Rogero omnes redditus, & res Clericorum habentium redditus de feudo suo, & donatione sua, & omnes terras, redditus, & res Abbatum de feudo suo, si alicujus * Crocia habent de dono suo, & Priorum seu cujusunque domus religiose si sit de dono suo, quia ipse Dominus Regi indereponsibit.

* Crocia significat often a Pastoral Staff.

Pat. 9. Johan-
nis, n. 11.
N. 92.

R Ex omnibus de Episcopatu Lincolnienſi Clericis & Laicis salutem. Sciatis quod à die Lune proximo ante florid. Pasch. commissimus W. de Cornhull Archidiacono de Huntingdon & Gerar. de Camvilla omnes terras & res Abbatum & Priorum & omnium Religiosorum & etiam Clericorum de Episcopatu Lincolnienſi qui divina extunc celebrare nolverint & mandamus vobis quod eis extunc sicut Ballivis nostris sitis intendentes & credatis eis de hiis que vobis inde dixerint interim ex parte nostra. Teste meipſo apud Clarend. decimo octavo die Martii.

Sub eadem forma scribitur omnibus de Episcopatu Elyensi quod sint intendentes ab illo die Comiti Sarr.

Præcipimus

Rot. Claus. 9.
Johannis M. 3.
N. 93.

P Recipimus tibi quod clamari facias sine dilatione per Comitatum totum quod nulli sicut diligunt corpora sua & catalla malum faciant vel dicant viris Religiosis vel Clericis contra pacem nostram, & si quem inde attingere possumus ad proximam quircum eum suspendi faciemus. Teste meipſo apud Merleb. undecimo die Aprilis.

This Writ hath no particular Direction to any Person, but probably it might be to Hen. de Newill, Sheriff of Hampshire, mentioned Number 90: for this is the next Record to that upon the Close Roll, and is dated at the same place, and the next day after.

Claus. 9. Jo-
han. Regis
M. 10. Dorf.
N. 94.

M Andatum est omnibus Vicecomitibus Angliæ, quod permittant, Archiepiscopos, Episcopos, Abbates, Priores & omnes viros Religiosos, & omnes Clericos vendere blada sua per * Summas, usque ad festum Sanctæ Catharinæ.

* From the Greek Sagma, a Burthen, whence Salmis, Sagma, Sommis, Summis, the French Saume, and perhaps our Saxon Seam, a Load or Burthen, which now is usually taken for a Quarter of Grain; hence Equus Sagramus, Sammarlus, Soumarlus, Sommarlus, Summarin, a Summer, or as we corruptly call it, a Sumpter Horse.

Mat. Paris,
f. 233. n. 50.
N. 95.

Johannes Rex Angliæ, &c. Summone per bonos summonitores, Comites, Barones, Milites, & omnes liberos homines & servientes, vel quicumque sint, & de quocunque teneant, qui arma habere debent, vel arma habere possint, & qui homagium nobis vel ligantiam fecerunt. Quod sicut nos & scipſos & sua omnia diligunt, sint apud Doveram ad instans clausum Pascha, bene parati cum equis & armis, & cum toto posse suo ad defendendum caput nostrum, & capita sua, & terram Angliæ. Et quod nullus remaneat qui arma portare possit, sub nomine Culbertagis & perpetue servitutis. Et unusquisque sequatur Dominum suum, & qui terram non habent & arma habere possint, illuc veniant ad capiendum solidatas nostras. Et tu omnem attractum vidualium, & omnia mercata Bailiivarum tuarum venire facias & sequantur exercitum nostrum, ita quod nullum mercatum de Bailivis tuis alibi teneatur; & tu ipse tunc sis ibi cum prædictis Summonitoribus. Et scias quod scire volumus, quomodo venerint de Bailivis tuis, & qui venerint & qui non. Et videas quod tu ita effortiate venias cum equis & armis, & hac ita exequaris, ne inde ad corpus tuum nos capere debeamus. Et tu inde habeas Rotulum tuum, ad nos certificandum qui remanserint.

Mat. Paris,
f. 235. n. 10.
20. &c.
N. 96.

Johannes Dei gratia Rex Angliæ, omnibus presentes literas inspecturis, Salutem. Per has patentes literas, sigillo nostro munitas, volumus esse notum, quod nobis presentibus hi quatuor Barones nostri, Willielmus scilicet Comes Saresberie frater noster, & Reginaldus Comes Bononie, Willielmus Comes Warrenne, & Willielmus Comes de Ferrariis, juraverunt in animam nostram, quod nos subscriptam pacis formam bona fide

per omnia curabimus observare. In primis itaque solemniter & abs lute juravimus stare mandatis Domini Papæ, Coram ejus Legato aut nuncio, super omnibus, pro quibus excommunicati sumus ab ipsis & veram pacem & plenam securitatem prestabimus venerabilibus viris, Stephano Cantuariensi Archiepiscopo, Willielmo Londinensi, Eustachio Elyensi, Agidio Herefordensi, Jocelino Bathoniensi, & Huberto Lincolnensi Episcopis, Priori quoque & Monachis Cantuariensibus, & Roberto filio Walteri, & Eustachio de Vesci, nec non & ceteris Clericis & Laicis ad hoc negotium contingentibus: prestando simul coram eodem Legato vel Delegato publice juramentum; quod ipsos cum suis nec lædemus, nec lædi faciemus, vel permittemus in personis vel rebus, illisque dimitemus omnem indignationem, & in gratiam nostram eosdem recipiemus, ac tenemus bona fide: quodque prefatos Archiepiscopum & Episcopos non impediamus, nec faciemus, vel permittemus aliquatenus impediri, quo minus ipsi libere suum exequantur officium, & plene jurisdictionis sue auctoritate, prout debent, utantur. Et super his, tam Domino Papæ, quam ipsi Archiepiscopo & singulis Episcopis, nostras patentes literas exhibebimus, facientes ab Episcopis & Comitibus & Baronibus nostris, quot & quos prefati, Archiepiscopus & Episcopi posulant juramenta, & eorum patentes literas exhiberi, quod ipsi bona fide studebunt, ut hæc pax & securitas firmiter observetur. Et si forte, quod Deus avertat, per nos ipsos vel alios contra venerimus, ipsi pro Ecclesia, contra violatores pacis & securitatis, mandatis Apostolicis inhærebunt, nosque perpetuo vacantium Ecclesiarum custodias amittamus. Quod si forte nequiverimus ad hanc ultimam partem juramenti eos inducere, videlicet quod si per nosmet ipsos, vel alios contra venerimus; ipsi pro Ecclesia contra violatores pacis & securitatis, mandatis Apostolicis inhærebunt. Nos propter hoc Domino Papæ, ac Ecclesie Romane per nostras patentes literas obligavimus omne jus Patronatus, quod habemus in Ecclesiis Anglicanis. Et sic omnes literas que pro securitate predictorum sunt exhibendæ, prefatis Archiepiscopo & Episcopis ante suum ingressum in Angliam transmittimus. Si vero nobis placuerit, sæpe fatus Archiepiscopus & Episcopi præstabunt salvo honore Dei & Ecclesie, juratoriam cautionem & literatoriam, quod ipsi nec per se nec per alium contra personam nostram vel coronam nostram aliquid attentabunt, nobis prædictam eis pacem & securitatem serviantibus illibatam. De ablatis autem plenam restitutionem, & de damnis recompensationem sufficientem omnibus impendemus, tam Clericis quam Laicis ad hoc negotium pertinentibus, non solum rerum, sed omnium libertatum, & restitutionem conservabimus libertates. Archiepiscopo quidem & Episcopo Lincolnensi à tempore sue consecrationis; aliis autem à tempore discordie incubæ. Nec obstat aliqua pæctio vel promissio seu concessio, quo minus & damna recompensentur et restituantur ablata, tam vivorum quam defunctorum. Nec aliquid retinebimus prætextu servitii, quod nobis debuerat impendi, sed postea nobis debita pro servitio recompensatio tribetur. Statimque omnes quos detinemus Clericos, faciemus absolutos dimitti, ac restitui propria libertati, cum laicis qui hujus occasione negotii detinentur. Incontinenti quoque post adventum illius qui nos debet absolvere, faciemus de parte restitutionis ablatorum octo millia librarum legalium Eberlingorum pro solvendis debitis, et faciendis expensis nunciis predictorum Archiepiscopi et Episcoporum et Monachorum Cantuariensium assignari sine impedimento quolibet per potestatem nostram ad eos libere deferendum, ut expediti veniant in Angliam honorifice revocati; videlicet Stephano Cantuariensi Archiepiscopo, duo millia et quingentas libras; Willielmo Londinensi septingentas et quinquaginta libras, Eustachio Elyensi septingentas

tingentas & quinquaginta libras, Jocelino Bathoniensi septingentas & quinquaginta libras, Huberto Lincolnensi septingentas & quinquaginta libras, Priori & Monachis Cantuariensibus mille libras. Et protinus postquam pacem illam duxerimus acceptandam, assignari faciemus absque mora, Archiepiscopo & Episcopis, Clericis ac Ecclesiis universis, in manibus nunciorum vel procuratorum ipsorum, mobilia omnia cum administratione libera eorundem, & in pace dimitti. Interdictum vero Utlagatio vulgariter nuncupatum, quod proponi solemus contra Ecclesiasticas personas, publice revocabimus, protestando per nostras patentes literas Archiepiscopo tribuendas, id ad nos nullatenus pertinere; quodque illud de cetero contra Ecclesiasticas personas, nullatenus faciemus proponi: revocantes præterea utlagationem laicorum ad hoc negotium pertinentium, & remittentes omnia quæ post interdictum receperimus ab hominibus Ecclesiasticis, præter regni consuetudinem et Ecclesie libertatem. Si vero super damnis vel ablatis, aut eorum quantitate, vel estimatione, questio fuerit de facto suborta; per Legatum vel Delegatum Domini Papæ, receptis probationibus terminetur. Et his omnibus rite peractis, relaxabitur sententia Interdicti: Super ceteris autem capitulis, si quæ fuerint dubitationes subortæ, de quibus merito debeat dubitari, nisi per Legatum vel Delegatum Domini Papæ, de partium fuerint voluntate sopite, ad ipsius referantur arbitrium, ut super his quæ ipse decreverit, observentur. Teste meipso, apud Doveram, decima tertia die Maii, Anno regni nostri decimo quarto.

Rex Stephano Dei gratia Cantuariensi Archiepiscopo, totius Anglie Primati, & Sanctæ Romanæ Ecclesiæ Cardinali salutem. Sciatis quod secundum formam mandati Domini & Venerabilis patris nostri Innocentii Dei gratia summi Pontificis veram pacem ac plenam securitatem vobis præstamus, nec non ceteris tam Clericis quam Laicis hoc negotium quod inter nos & Ecclesiam Anglicanam versatum est contingentibus nec vos nec vestros lædemus, vel lædi faciemus, aut permittemus, in personis vel rebus, vobisque dimittimus omnem indignationem & in gratiam nostram vos recipimus & tenemus bona fide & quod vos non impediamus, nec faciemus aut permittemus aliquatenus impediri quo minus vestrum libere exequimini officium, & plene jurisdictionis vestre auctoritate prout debetis utamini. Et super his vobis juramenta & literas patentes fidelium nostrorum venerabilium Patrum Domini H. Dublinensis Archiepiscopi, Petri Wintoniensis, Johannis Norwicensis, & Episcoporum, & præterea duodecim Baronum nostrorum, scilicet, Galfridi filii Petri Comitis Essex, Justiciarii nostri, Reginaldi Comitis Bolonie, Ramulphi Comitis Cestrie, Willielmi Comitis Mariscalii, Comitis Penbroc, Willielmi Comitis Warenne, Willielmi Comitis Arundel, Willielmi Comitis de Ferrariis, Willielmi Briver, Roberti de Ros, Gileberti filii Renfri, Rogeri de Mortuo mari, et Petri filii Hereberti fecimus exhiberi quod ipsi bona fide studebunt ut hæc pax & securitas firmiter observetur; et si forte, quod Deus avertat, per nos ipsos, vel alios contra venerimus, ipsi pro Ecclesia contra violatores securitatis & pacis mandatis Apostolicis inhærebunt. Nosque perpetuo Ecclesiarum vacantium custodiam amittamus. Et ideo vos rogamus quod ad nos secure et sine dilatione in Angliam venire festinetis. Si quid vero in hoc scripto omisissum fuerit, vel minus plene factum cum in Angliam veneritis id secundum formam

Pat. 15. Johannis parte prima n. 84. Nl. 97.

mandati Apostolici perficietur. Et in hujus rei testimonium, &c. Testibus H. Dublinensi Archiepiscopo, Petro Wintoniensi Episcopo, Galfrido filio Petri, Willielmo Marefcallo Comite Penbroc apud Templum de Ewell, Vicefimo quarto die Maii, Anno Regni nostri decimo quinto.

Eodem modo scribitur singulis Episcopis ultra mare existentibus cum Archiepiscopo scilicet Londinensi, Herefordensi, Elyensi, Bathoniensi, Lincolnensi Episcopis, et Priori et Monachis Cantuariensibus.

Pat. 15 Johan.
parte prima,
n. 1. Doris.
N. 97.

Venerabili in Christo Patri Stephano Dei gratia Cantuariensi Archiepiscopo totius Anglie Primate et Sancte Romane Ecclesie Cardinali, Galfridus filius Petri Comes Essex, Reginaldus Comes Bolonie, Ranulphus Comes Cestrie, Willielmus Marefcallus Comes Penbroc, Willielmus Comes Warenne, Willielmus Comes Arundel, Willielmus Comes de Ferrariis, Willielmus Briwer, Robertus de Ros, Gilebertus filius Reinfray, Rogerus de Mortuo mari, & Petrus filius Hereberti salutem et debitam Reverentiam. Sciatis quod bona fide studebimus quod Dominus noster Johannes Rex Anglie pacem et securitatem vobis et aliis tam Clericis quam Laicis negotium quod inter Anglicanam Ecclesiam et ipsum Regem versatum est contingentibus, firmiter observabit secundum formam pacis a Domino Papa ei transmissam et ab eo acceptatam. Et si forte, quod Deus avertat, Rex ipse vel aliquis alius ex parte sua convenerit nos pro Ecclesia, contra violatores securitatis, et pacis, mandatis Apostolicis inharebimus et ipse perpetuo Vacantium Ecclesiarum Custodiam amittat. Præterea promittimus quod si quid omisum est, vel minus plene factum circa hoc negotium in hoc scripto propter accelerationem adventus vestri in Angliam, id post adventum vestrum secundum formam prædictam perficietur. Et in hujus rei testimonium, &c. Valete in Domino. Hæc autem omnia supradicta nos firmiter observavimus, noveritis nos de mandatis Domini Regis tactis sacro-sanctis spontanea voluntate corporali Sacramento firmasse.

Eodem modo scribitur singulis Episcopis cum Archiepiscopo existentibus, scilicet, Londinensi, Herefordensi, Elyensi, Bathoniensi, et Lincolnensi, et Priori et Monachis Cantuariensibus.

Johannes

Johannes Dei gratia Rex Anglie, & cetera omnibus Christi fidelibus hæc Chartam inspecturis, salutem in Domino. Universitati vestre per hæc Chartam sigillo nostro munitam, volumus esse notum, quod cum Deum & Matrem nostram Sanctam Ecclesiam offenderimus in multis, & proinde divina misericordia plurimum indigeamus, nec quid digne offerre possimus pro satisfactione Deo & Ecclesie debita facienda nisi nosmetipsos humiliemus & regna nostra: volentes nos ipsos humiliare, pro illo qui se pro nobis humiliavit usque ad mortem, gratia Sancti Spiritus inspirante, non vi interdicti, nec timore coacti, sed nostra bona spontaneaue voluntate, ac communi consilio Baronum nostrorum conferimus, & libere concedimus Deo & sanctis Apostolis ejus Petro & Paulo & Sancte Romanæ Ecclesie matronæ nostræ; ac Domino Papæ Innocentio, ejusque Catholicis Successoribus, totum regnum Anglie & totum regnum Hybernæ, cum omni jure & pertinentiis suis, pro remissione omnium peccatorum nostrorum, & totius generis nostri, tam pro vivis quam pro defunctis; & amodo illi ab eo & Ecclesia Romana, tanquam secundo, us recipientes & tenentes; in presentia præsenti Pandulphi Domini Papæ subdiaconi & familiaris. Exinde prædicti Domino Papæ Innocentio, ejusque Catholicis Successoribus, & Ecclesie Romanæ, secundum subscriptam formam fecimus & juravimus, & homagium ligium in presentia Pandulphi: Si coram Domino Papæ esse poterimus, eidem faciemus; Successores nostros & hæredes de uxore nostra, in perpetuum obligantes, ut simili modo summo Pontifici quæ pro tempore fuerit, & Ecclesie Romanæ, sine contradictione debeant fidelitatem prestare & homagium recognoscere. Ad indicium autem hujus nostre perpetue obligationis & concessionis, volumus & stabilimus, ut de propriis & specialibus redditibus nostris prædictorum regnorum, pro omni servitio & consuetudine quæ pro ipsis facere debemus, salvis per omnia denariis beati Petri; Ecclesia Romana mille Marcas Esterlingorum percipiat annuatim: in festo scilicet Sancti Michaelis quingentas Marcas, & in Pascha quingentas, septingentas scilicet pro regno Anglie, & trecentas pro regno Hybernæ: Salvis nobis & hæredibus nostris, iustitiis, libertatibus, & regalibus nostris. Quæ omnia sicut supra scripta sunt, rata esse volentes atque firma, obligamus nos & successores nostros contra non venire; & si nos vel aliquis successorum nostrorum contra hæc attentare præsumperit, quicunque ille fuerit, nisi rite commonitus respuerit, cadat à jure regni, & hæc Charta obligationis & concessionis nostre, semper firma permaneat. Teste meipso, apud domum militum Templi juxta Doveram, coram H. Dublinensi Archiepiscopo, Johanni Norwicensi Episcopo, Galfrido filio Petri, W. Comite Sarisberie, Willielmo Comite Penbroc, R. Comite Bononiæ, W. Comite Warenne, S. Comite Winton. W. Comite Arundel, W. Comite de Ferrariis, W. Briwere, Petro filio Hereberti, Warino filio Geroldi, xv. die Maii, anno regni nostri decimo quarto.

Ego Johannes Dei gratia Rex Anglie, & Dominus Hybernæ, ab hac hora & in antea, fidelis ero Deo & beato Petro & Ecclesie Romanæ, & Domino meo Papæ Domino Innocentio, ejusque Successoribus Catholicè intransitibus. Non ero in facto, in dicto, consensu vel consilio, ut vitam perdant vel membra, vel mala captione capiantur. Eorum damnum si Scivero, impediam, & remanere faciam si potero: Alioquin eis quam citius potero intimabo, vel tali persona dicam quam eis credam pro certo dicturam Consilium quod mihi crediderint, per se vel per nuncios

Mat. Paris,
f. 236. n. 40.
N. 98.

Ibid. f. 237.
n. 20.
The form of
King John his
doing Homage
to the Pope.

nuncios suos seu literas suas, secretim tenebo; & ad eorum dampnum nulli pandam me sciente. Patrimonium beati Petri, & specialiter regnum Angliæ, & regnum Hybernix adjut ero ad tenendum & defendendum, contra omnes homines pro posse meo. Sic me adjuvet Deus, & hæc sancta Evangelia, Amen.

n B bliothe-
ca Cottonia-
na, sub Epi-
scopi Cleopa-
re. E. 1.
N. 99.

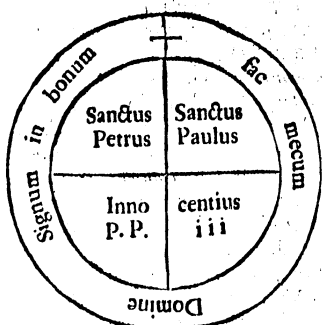
Innoctentius Episcopus Servus Servorum Dei Charissimo in Christo filio A
Johanni illustri, Anglorum Regi, ejusque de sua Uxore, Heredibus, in perpetuam memoriam. Rex Regum, & Dominus Dominantium, Jesus Christus Sacerdos in æternum secundum Ordinem Melchisedech, ita regnum & Sacerdotium in Ecclesia stabilivit, ut sacerdotale sit Regnum, & Sacerdotium sit Regale; Sicut in Epistola Petrus & Moyses in lege testantur, unum perficiens Universi, quem suum in terris Vicarium Ordinavit, ut sicut ei stetit omne genus Cælestium, & Terræstrium & etiam Infernorum, ita illi omnes obediant & conestant ut sit unum Ovile, & unus Pastor. Hunc itaque Reges seculi propter Deum à Deo, venerantur, ut non reputent se rite regnare nisi studeant ei devotè servire. Quod tu Fili charissime prudenter attendens, illo misericorditer inspirante, in cuius manu sunt Corda Regum, & quo voluerit vertit illa, te ipsum & tuam etiam temporaliter ei subicere decrevistis, cui noveras spiritualiter esse subjecta, & in unam Vicarii Christi personam, quasi Corpus & Animam, C
Regnum & Sacerdotium uniantur, ad magnum utriusque Commodum & augmentum. Ille utique hoc dignatus est operari qui cum sit Alpha, & Omega finem retulit ad principium, & principium protraxit ad finem; ut illa Provincia quæ olim sacrosanctam Romanam Ecclesiam proprium in Spiritualibus habuere Magistrum, nunc etiam in Temporalibus, Dominam habeant Specialem. Tu quippe quem Deus ad hoc idoneum Ministrum elegit, tam te, quam etiam Regna tua Angliæ videlicet, & Hiberniæ cum omni jure, ac pertinentiis suis devotè, & Spontaneâ voluntate, ac Communi Consilio Baronum tuorum Deo, & Sanctis Apostolis ejus, Petro, & Paulo, Sanctæque Romanæ Ecclesiæ, nobiscum & successoribus nostris; in jus & proprietatem sub annuo ille Marcarum censu offerens concessisti, sicut in tuo continetur autentico scripto & ejus de verbo ad verbum talis tenor existit. Johannes Dei gratia Rex Angliæ, Dominus Hiberniæ, Dux Normanniæ, & Aquitaniæ, Comes Andegaviæ, Omnibus Christi Fidelibus presentem Cartam inspecturis, salutem. Universitati vestre per hanc Chartam nostram sigillo nostro munitam volumus esse notum, quia, cum Deum, & Matrem nostram sanctam Ecclesiam, offenderimus in multis, ac proinde divinâ misericordia à plurimum indigere noscamur, nec quid digne offerre possimus pro satisfactione Deo, & Ecclesiæ debitâ faciendâ, nisi nos ipsos habeamus, & Regna nostra, volentes nos ipsos humiliari, pro illo qui se pro nobis humiliavit usque ad mortem, gratiâ Sancti Spiritus inspirante, non vi inducti, nec timore Coacti, sed nostrâ bonâ spontaneâque voluntate, ac Communi Consilio Baronum nostrorum offerimus, & libere concedimus Deo, & Sanctis Apostolis ejus F
Petro, & Paulo, & Sanctæ Romanæ Ecclesiæ Matri nostræ, ac Domino nostro Papæ Innocentio Tertio, ejusque Catholicis Successoribus, totum Regnum Angliæ, & totum Regnum Hiberniæ, cum omni jure, & pertinentiis suis, pro remissione peccatorum nostrorum & totius generis nostri, tam pro vivis, quam defunctis. Et amodo illa à Deo, & Ecclesiâ Romanâ tanquam fiscoatarii recipientes, & tenentes in presentia, Patri

nostris

nostris Pandulfi Domini Papæ Subdiaconi, & familiaris, fidelitatem exinde Domino nostro Papæ Innocentio, ejusque Catholicis Successoribus, et Ecclesiæ Romanæ, secundum scriptam formam fecimus et juravimus et Pomagium ei legitimum in presentia Domini Papæ, si coram eo esse poterimus, eidem faciemus, Successores et Heredes nostros de Uxore nostrâ in perpetuum Obligantes, ut simili modo summo Pontifici qui pro tempore fuerit, et Ecclesiæ Romanæ, sine contradictione debeant fidelitatem præstare, et Pomagium recognoscere. Ad indicium autem hujus perpetuæ nostre oblationis, et Concessionis, volumus, et stabilimus, ut de propriis et specialibus redditibus prædictorum regnorum nostrorum pro omni servitio et consuetudine quod pro ipsis facere deberemus (Salvo per omnia Denario Beati Petri) Ecclesiæ Romana Mille Marcas Sterlingorum percipiat annuatim; scilicet in festo Sancti Michaelis quingentas Marcas, et in Pascha quingentas Marcas; septingentas scilicet pro Regno Angliæ et trecentas pro Regno Hiberniæ. Et si nos, vel aliquis successorum nostrorum contra hoc attemptare presumpserit, quicumque fuerit ille, nisi rite Commonitus, respuerit, Cadat a jure regni, et hæc Carta oblationis et concessionis nostre semper firma permaneat.

Ego Johannes Dei gratia Rex Angliæ et Dominus Hiberniæ quæ hæc hora in ante, fidelis ero Deo, et beato Petro, et Ecclesiæ Romanæ, ac Domino meo Papæ Innocentio, ejusque Successoribus Catholicis intrantibus; Non ero in facto, Dicto, Consensu vel Consilio, ut vitam præstant vel membra vel in malâ captione capiantur, eorum dampnum si scierem impediam, et remanere faciem si potero, alioquin quia citius potero intinabo, vel tali persone dicam, quam ei credam pro certo dicturam, Consilium quod mihi crediderint per se vel per Nuntios seu per literas suas, secretim tenebo, et ad eorum dampnum nulli pandam, me sciente, patrimonium beati Petri et specialiter regnum Angliæ, et regnum Hiberniæ, adjutor ero ad tenendum, et defendendum contra omnes Homines pro posse meo. Sic Deus me adjuvet et hæc sancta Dei Evangelia. Teste meipso apud Domum Militiæ Templi juxta Doveriam, coram Domino Huberto Archiepiscopo Dublinensi, Domino Johanne Episcopo Norwicensi, Galfrido filio Petri Comite Essexiæ, Justiciario nostro, Willielmo Comite Saresberie fratre nostro, Willielmo Marechal Comite Pembrocæ, Reginaldo Comite Boloniensi, Willielmo Comite Warerniæ, Saero Comite Winton. Willielmo Comite Arundelli, Willielmo Comite de Ferreriis, Willielmo Briewer, Petro filio Herberti, Warino filio Geroldi, &c. xv die Maii anno regni nostri xiiii. Nos autem oblationem et Concessionem hujusmodi piè ac providè factas, gratis et ratas habentes personam tuam et personas hæredum tuorum cum prædictis regnis et pertinentiis eorundem et omnibus bonis aliis rationabiliter nunc possedis et in posterum possidendis sub beati Petri, et nostrâ protectione suscipimus tibi, et ipsis secundum præscriptam formam de communi Consilio fratrum nostrorum supradicta regna concedentes in seodum, et presenti privilegio confirmantes, ita quod quilibet hæredum tuorum, cum regni coronam acceperit, seodum hujusmodi summo Pontifici et Romanæ Ecclesiæ publice recognoscat, et eis fidelitatis exhibeat juramentum. Nulli ergo omnino hominum liceat hanc Paginam nostræ Concessionis et Confirmationis infringere, vel ei, ausu temerario contraire. Si quis autem hoc attemptare presumpserit indignationem omnipotentis Dei et beatorum Petri et Pauli Apostolorum se noverit incursurum.

Ego



Ego Innocentius Catholicae Ecclesiae Episcopus.

Ego Cuthinus Titulo Sancti Laurentii in Lucina Presbyter Cardinalis.

Ego Cencius Sanctorum Johannis & Pauli Cardinalis Titulo Pamachii.

Ego Petrus, Sanctae Prudentiae Titulo Pastor, Presbyter Cardinalis.

Ego Guala Sancti Martini Presbyter Cardinalis Titulo Equitis.

Ego Johannes Titulo Sanctae Praxedis, Presbyter Cardinalis.

Ego Stephanus Basilicae 12 Apostolorum Presbyter Cardinalis.

Ego Johannes Sabinenus Episcopus.

Ego Guido Prenestensis Episcopus.

Ego Hugo Hostiensis Episcopus.

Ego Guido Johannis Nichol. in Carcere Tullio. Diaconus Cardinalis.

Ego Octavianus Sanctorum Sergii & Bachi Diaconus Card.

Ego Johannes Sanctorum Cosmae & Damiani Diaconus Cardinalis.

Ego Angelus Sancti Adriani Diaconus Cardinalis.

Ego Petrus Sanctae Mariae in Aquiro Diaconus Cardinalis.

Ego Bicus Sancti Georgii Diaconus Cardinalis.

Dat. Laterani per manum Rainaldi Acolyti & Capellani Domini Innocentii Tertii Papae * ii Non. Novembris Indictione Secunda, Incarnationis Dominicae M. C. C. XIII. Pontificatus vero ejusdem Domini Innocentii Anno Decimo sexto.

Johannes

Johannes Dei gratia, &c. Omnibus Christi fidelibus presentem Cartam inspecturis Salutem. Universitati vestrae per hanc Cartam aurea bulla nostra munitam volumus esse notum quod cum Dominum, & Matrem nostram Sanctam Ecclesiam offenderimus in multis & proinde divina misericordia plurimum indigere noscitur, nec quid quod digne offerre possimus pro satisfactione Deo & Ecclesiae debita facienda nisi nos ipsos habeamus & regna nostra. Volentes nos ipsos humiliari pro eo qui se pro nobis humiliavit usque ad mortem gratia Spiritus Sancti inspirante non vi Inducti nec timore coacti set nostra bona spontaneaue voluntate ac communi Consilio Baronum nostrorum offerimus & libere concedimus Deo & Sanctis Apostolis ejus Petro & Paulo & Sanctae Romanae Ecclesiae Matri nostrae ac Domino nostro Papae Innocentio tertio ejusque Catholicis Successoribus totum Regnum Angliae & totum Regnum Hiberniae cum omni jure & pertinentiis suis pro remissione peccatorum nostrorum & totius generis nostri tam pro vivis quam defunctis & amodo illa a Deo & ab Ecclesia Romana tanquam feodatarum recipientes & tenentes in presentia venerabilis Patris nostri Domini Nicholai Tusculani Episcopi Apostolicae Sedis Legati & Pandulphi Domini Papae Subdiaconi & familiaris fidelitatem exinde predicto Domino nostro Papae Innocentio ejusque Catholicis Successoribus ac Ecclesiae Romanae secundum scriptam formam fecimus & juravimus & homagium et ligum pro predictis regnis Deo & Sanctis Apostolis Petro & Paulo & Ecclesiae Romanae & eidem Domino nostro Papae Innocentio tertio per manum predicti Legati loco & vice ipsius Domini Papae recipientis publice fecimus Successores & haeredes nostros de uxore nostra in perpetuum obligantes ut simili modo Summi Pontifici qui pro tempore fuerit & Ecclesiae Romanae sine contradictione debeant fidelitatem prestare & homagium recognoscere. Ad Indignum autem hujus nostrae perpetuae oblationis & Concessionis velimus & stabilimus ut de propriis & specialibus redditibus predictorum regnorum nostrorum pro omni servitio & consuetudine quod pro ipsis facere deberemus, salvo per omnia denario Beati Petri Ecclesiae Romanae mille Marcas Sterlingorum, percipiat annuatim scilicet in festo Sancti Michaelis quingentas Marcas, & in Pascha quingentas Marcas; Septingentas scilicet pro regno Angliae & trescentas pro regno Hiberniae. Salvis nobis & haeredibus nostris Justitiatis libertatibus & regalibus nostris. Quae omnia sicut supradicta sunt rata volentes esse perpetuo & firma obligamus nos et Successores nostros contra non venire. Et si nos vel aliquis Successorum nostrorum hoc attemptare presumpserit quicunque fuerit ille nisi rite commonitus respuerit cadat a jure regni et hac Carta oblationis & Concessionis nostrae semper firma permaneat. Ego Johannes Dei gratia Rex Angliae & Dominus Hiberniae ab hac hora in ante fidelis ero Deo et Beato Petro et Ecclesiae Romanae ac Domino nostro Papae Innocentio tertio ejusque Successoribus Catholicis intransitibus non ero in facto dicto consensu vel Consilio ut vitam perdant vel membra vel mala captione capiantur. Eorundem dampnum si sciero impediam, et remanere faciam si potero, alioquin eis quam citius poterero intimabo vel tali persone dicam quam eis credam pro certo dicturam. Consilium quod mihi crediderint per se vel per Nuncios seu per litteras suas secretum tenebo, et ad eorum dampnum nulli pandam me sciente. Patriumonium Beati Petri & specialiter regnum Angliae, et regnum Hiberniae adjutor ero ad defendendum et tenendum contra omnes homines pro posse meo, sic me Deus adjuvet et hac Sancta Evangelia de omnibus ne possit in posterum

Cart. 15. Johannis, n. 31. N. 100.

posterum dubitari, ad maiorem securitatem prædictæ oblationis et concessio-
nis nostræ præsentem Cartam nostram fecimus sigillari, ac pro concessu
huius præsentis et primi anni mille Marcas Sterlingorum per manus prædi-
cti Legati Ecclesie Romanæ persolvimus. Testibus Domino Stephano Cantuariensi
Archiepiscopo, Willielmo Londoniensi, Petro Wintoniensi,
Eustachio Elyensi, Hugone Lincolniensi Episcopis, Waltero de Gray
Cancellario nostro, Willielmo Comite Sarr fratre nostro, Ranulpho Co-
mite Cestrie, Willielmo Marefcallo Comite Penbroc, Willielmo Comite
de Ferrariis, Sahero Comite Wintoniensi, Roberto de Ros, Willielmo
Briwer, Petro filio Herberti, Matheo filio Herberti, Briano de Insula
Dapifero nostro. Datum per manum Magistri Richardi de Marisco apud
Sanctum Paulum. London tertio die Octobris anno ab Incarnatione Do-
mini, M. CC. xiii. regni vero nostri quinto decimo.

tot. Clau.
s. Johan.
parte prima,
f. 8. Dorf.
N. 101.

Venerabilibus in Christo Patribus Stephano Dei gratia Cantuariensi
Archiepiscopo totius Angliæ Primati et Sanctæ Romanæ Ecclesiæ
Cardinali et omnibus suffraganeis suis Episcopis cum eo existentibus, Jo-
hannes eadem gratia Rex Angliæ, &c. Mandamus vobis quod bene vene-
ritis in Angliam scientes, quod jamdiu vos expectavimus et adventum
vestrum desideravimus, unde in occursum vestrum mittimus fideles nostros
Dominum H. Dublinensem Archiepiscopum, Johannem Norwicensem E-
piscopum, Willielmum Comitem Arundel, Matheum filium Herberti,
Willielmum Archidiaconum Huntudoniæ rogantes quatinus ad nos venire
festinetis sicut prædicti fideles nostri vobis dicent. Teste meipso apud Stokes
Episcopi primo die Julii.

Henricus

Henricus Dei gratia Rex Angliæ, Hugoni de Boclande Viceco-
miti, & omnibus fidelibus suis, tam Francis quàm Anglicis in
Herefordsyre, salutem, &c.

Mat. Paris, f.
55. n. 40.
Ibid. f. 240.
n. 10.

N. 102.

Henricus Dei gratia Rex Angliæ Hugoni de Boclande Justiciario An-
gliæ, & omnibus fidelibus suis tam Francigenis quàm Anglis in Hert-
fordsyre, salutem. Sciatis me Dei misericordia, & communi Consilio
Baronum regni Angliæ, ejusdem regni Regem esse coronatum. Et quia
regnum oppressum erat injustis exactionibus ego respectu Dei & amore,
quem erga vos omnes habeo, Sanctam Dei Ecclesiam in primis liberam facio,
ita quod nec eam vendam nec ad firmam ponam, nec mortuo Ar-
chiepiscopo vel Episcopo sive Abbate aliquid accipiam de Dominio Ec-
clesiæ vel de hominibus donec Successor in eam ingreditur. Et omnes
malas consuetudines quibus regnum Angliæ injuste opprimebatur, inde
aufero; quas malas consuetudines in parte hic pono.

Si quis Baronum meorum, Comitum vel aliorum, qui de me tenent,
mortuus fuerit, hæres suus non redimet terram suam, sicut facere consue-
verat tempore patris mei: Sed legitima & iusta relevatione relevabit
eam. Similiter & homines Baronum meorum, legitima & iusta rele-
vatione relevabunt terras suas de Dominis suis. Et si quis Baronum
vel aliorum hominum meorum, filiam suam tradere voluerit, sive Sororem,
sive Neptem, sive Cognatam, mecum inde loquatur, sed neque ego
aliquid de suo pro hac licentia accipiam, neque defendam ei quin eam
det. Excepto si jam dare vellet inimico meo.

Et si mortuo Barone vel alio homine meo filia hæres remanserit: dabo
illam cum Consilio Baronum meorum, cum terra sua. Et si mortuo
marito, Uxor ejus remanserit, & sive liberis fuerit, dotem suam & ma-
ritagium habeat, dum corpus suum legitime servabit: Et eam mihi
dabo marito, nisi secundum velle suum, & terra liberorum custos erit
sive uxor, sive alius propinquior qui iustus esse debet, & præcipio ut Ba-
rones mei similiter se contineant erga filios & filias, vel uxores homi-
num suorum.

Monetragium commune quod capiebatur per Civitates vel Comitatus,
quod non fuit tempore Regis Edwardi, hoc ne amodo fiat, omnino de-
fendo. Si quis captus fuerit sive monetarius, sive alius cum falsa mo-
neta, iustitia recta inde fiat.

Omnia placita, & omnia debita quæ Regi fratri meo debebantur, con-
dono: Exceptis firmis meis, & exceptis illis quæ pacta erant pro aliorum
hereditatibus, vel pro illis rebus, quæ iustis aliis contingebant: Et si
quis aliquid pro hereditate sua pepigerat, illud condono: & omnes rele-
vationes, quæ pro rectis hereditatibus pactæ erant.

Et si quis Baronum vel hominum meorum infirmabitur, sicut ipse
dabit, vel dare disposuerit pecuniam suam, ita datam esse concedo.
Quod si ipse prævenit, vel armis, vel infirmitate, pecuniam suam nec
dederit nec dare disposuerit: Uxor sua sive liberi aut parentes & legiti-
mi homines ejus, pro anima ejus eam dividant, sicut eis melius visum
fuerit.

Q

Si

Si quis Baronum vel hominum meorum foris fecerit, non dabit vadium in misericordia pecunie sue, sicut faciebat tempore patris vel fratris mei, sed secundum torisfacturæ modum: neo ita emendabit, sicut emendasset retrò tempore patris mei; Quod si perfidia vel sceleris convictus fuerit; sicut erit culpa, sic emendet.

Murdra etiam retrò ab illa die, qua in Regem coronatus fui, omnia condono: Et ea quæ amodo facta fuerint, iuste emendentur secundum legem Regis Edwardi.

Forestas Communis Consilio Baronum meorum, in manu mea ita retinui; sicut pater meus eas habuit.

Militibus quæ per Edgetras terras suas defendunt, terras dominicarum carucarum suarum quietas: ab omnibus geldis, & omni opere proprio, dono meo concedo: Ut sicut tam magno gravamine alleviati sunt, in equis & armis se benè instruant; ut apti & parati sint ad servitium meum, & ad defensionem regni mei.

Pacem firmam pono in toto regno meo, & tenerè amodo præcipio.

Lagam Regis Edwardi vobis reddo, cum illis emendationibus, quibus pater meus eam emendavit, Consilio Baronum suorum.

Si quis aliquid de meo vel de rebus alienius, post obitum Regis Willielmi fratris mei cepit, totum citò reddatur absque emendatione, & si quis inde aliquid retinuerit, ille super quem inventum fuerit graviter mihi emendabit. Testibus Mauritio Londoniensi Episcopo, Willielmo Wintoniensi electo, Gerardo Herefordensi Episcopo, Henrico Comite, Simone Comite, Waltero Giffard Comite, Roberto de Monte Forti, Rogero Bigod, & aliis multis.

There are to be found in *Matthew Paris* Two distinct Copies of this Charter, according to the Citations above in the Margin, in one of which, *Hugo de Bocland* is said to be Sheriff of Herefordshire, and the *Chart* is directed To the French and English of that County; in the other he is said to be Justiciary of England, and the *Chart* is directed To the French and English in Herefordshire, by mistake (I suppose) for Herefordshire; of which his being Sheriff, and Justiciary of England at the same time, in those days might be very consistent. He was a * Norman, and an * Ordinary Man, and * raised to this great Preferment by Henry the First. There were so many * Copies of this Charter, as there were Counties in England, and by the Kings Command were kept as a Record or Monument in some one Abby therein. And it was only a Relaxation of the strict rigid Fendal Law in many points. See the Answer to *Argumentum Antinormanicum*, f. 265. C. &c.

* Order. Vital. f. 805. B. A. D. 1101. * Mat. Paris. f. 56. n. 30.

Rex

REx Vicecomiti Somerset, & Dorset, &c. Tibi præcipimus quod sine Dilatione ex parte nostra præcipiis Roberto de Berkeley, Rogero de Penton, & Osberto filio Willielmi, quod omni occasione postposita veniant ad Diem & locum, quos Dominus Episcopus Bathoniensis tibi scire fecerit, ad audiendam Inquisitionem de ablatis & Damnis Episcoporum & Clericorum et omnium virorum Ecclesiasticorum, et aliorum Negotium Ecclesie contingentium, faciendam coram Clericis Domini Cantuariensis Archiepiscopi, quos ad hoc per litteras suas patentes assignaverit. Et summo ex parte nostra omnes illos de Balliva tua, qui Custodiam vel aliquam Ballivam habuerunt de Rebus Ecclesiasticis à Tempore Mote Discordie inter nos & Clerum Anglie, quod tunc coram prædictis Clericis Domini Archiepiscopi Comparcant, ad prædictam Inquisitionem audiendam. Teste meipso apud Northampton, 31 Die Augusti.

Rot. Pat. 15. Johani. p. 2. M. 8. Dorset. N. 103.

Note, This writ was issued on behalf of the Bishop of Bath, who had been beyond Sea with the Archbishop, not long after the Kings Absolution, in pursuance of the Oath he then took.

And then there were these Inquisitors appointed in every Bishoprick.

Galsfridus fil. Petri Comes Essex. } in Archiepiscopatu Cantuar.
Simo de Pateshull

Willielmus Brimere }
Rogerus de Scures } in Episcopatu Wintoniensi.
Walt. de Aundely

Richardus Flandrensis }
Endo de Bello Campo } in Episcopatu Exoniensi.
Robertus de Alba Milla

Comes Roger. le Bigod }
Robertus Pikot } in Episcopatu Elyensi.
Robertus de Burnvill

Petrus filius Herberti }
Willielmus de Arderu } in Episcopatu Wigornienfi.

Robertus de Berkeley }
Osbertus filius Willielmi } in Episcopatu Bathoniensi.
Rogerus de Penton

Thomas de Esleg }
Willielmus de Waur. } in Episcopatu Cestrenfi.

Galsfridus de Ambly }
Willielmus fil. Rogelini } in Episcopatu Norwicensi.
Philippus de Burnbam

Richardus Flandrensis de Glamorgan. }
Walterus Culy } in Episcopatu Landavensi.

Jordanus Foliot }
Johannes de Birkth } in Archiepiscopatu Eboracensi.

Q 2

Math.

Math. filius Herberti }
 Willielmus de Cirinton } in Prioratu Cantuariensi.
 Willielmus de Riffesford }

Simo de Robingham }
 Robertus de Savage } in Episcopatu Cicestrensi.
 Robertus de Petro-Ponte }

Comes Willielmus Marefcal. }
 Jacobus de Poterna } in Episcopatu Londinensi.

Radulphus de Neunamul }
 Thomas de Muleton } in Episcopatu Lincolnensi.
 Alexander de Pointon }

Robertus de Mortuo-Mari }
 Walterus de Clifford } in Episcopatu Herefordensi.
 Rogerus Hufcarl }

Godefridus de Sancto Martino }
 Petrus de Skudemor } in Episcopatu Sarisberienfi.
 Henricus filius Aucheri }

Thomas de Landa }
 Willielmus de Barry } in Episcopatu Menevensi.

Galfridus de Sunderneffe }
 Richardus de Valle Bedonis } in Episcopatu Rossensi.

Rogerus de Andree }
 Walterus de Monasteriis } in Episcopatu Dunholmensi.

Ibid. M. 7.
 Dorf.
 N. 104.

R Ex Galfrido de Aumbly, Willielmo filio Roscelini, & Philippo de Burnham, &c. Mandamus vobis, quod Conveniatis ad Diem & Locum, quos Officialis Domini Norwicensis Episcopi, vobis scire faciet coram Clericis Domini Cantuariensis Episcopi, quos per literas suas assignavit ad Inquisitionem faciendam, de omnibus Abbatibus & Damnis, illatis Ecclesie et Clero, et Laicis hanc causam Contingentibus, de predicto Episcopatu. Et vos sitis cum illis ad Inquisitionem illam faciendam, quia volumus, quod plenarie fiat, nec remaneat propter aliquas literas quas inde super hoc Miserimus. Et scire faciatis omnibus illis qui Ballivas habuerint in predicto Episcopatu de rebus Ecclesiasticis vel aliis hanc causam Contingentibus, quod veniant ad predictos Diem & Locum, Inquisitionem illam audituri, & si non venerint Nichilominus Inquisitio illa procedat. Et si quod Damnum evenerit, per defectum ipsorum non nobis sed illis eveniet. Teste meipso apud Novum Templum London. Sextio Die Octobris.

Eodem modo scribitur omnibus Inquisitoribus supradictis.

Note, The Date of this second Writ answers the Time of the General Council holden in St. Paul's London, soon after Michaelmas this year, and also the Time of the Agreement between the King and Bishops for making a General Inquisition as delivered in the History.

Cum

Cum non possit Ecclesie Domini melius provideri, quam si eis pastores preficiantur idonei, qui non tam praeesse cupiant quam prodesse; fraternitati tue, de qua plenam fiduciam obtinemus, per Apostolica scripta Mandamus; quatenus Episcopatus & Abbatis Anglie nunc vacantes, facias cum tuo consilio de personis idoneis per Electionem, vel postulationem canonicam ordinari; qui non solum vita, sed & scientia sint preclari, verum etiam Regi fideles et regno utiles, nec non ad auxilium & consilium efficaces, assensu Regio requisito. Cum ergo vacantium ecclesiarum Capitalis, nostris literis demus in mandatis, ut tuo consilio adquiescant; tu Dominum habens pre oculis, consulas super his viros providos & honestos, qui plene norint merita personarum; ne te cuiusquam astutia circumveniri contingat. Si qui vero contradictores fuerint vel rebelles, tu eos per censuram ecclesiasticam, appellatione remota, compellas. Datum Laterani Calendis Novembris Pontificatus nostri anno Decimo Sexto.

Mat. Paris,
 f. 247. n. 30.
 N. 105.

R Ex dilecto & fideli suo Willielmo Comiti Marefcallo salutem. Sciatis quod sani Dei gratia et incolumes apud Rupellam applicuimus, die Sabbati proximo post capud Jesum cum magna parte gentis nostre statim ex quo advenimus tum reddita nobis fuerint, tum relicta viginti sex Castra et fortelicia & post paucas dies processimus ad Castrum de Millefen obsidendum, & cum Castrum illud cepissemus venit ad voluntatem et misericordiam nostram Johannes Porcelinus, et continuo post illum venit similiter ad voluntatem et misericordiam nostram Sabartus de Malo Leone quem consilio Domini Burdegalensis Archiepiscopi, & aliorum fidelium nostrorum in pacem nostram admisimus die autem Martis proximi ante mediam quadragesimam dum adhuc moram fecissemus circa Castrum illud funditus profectendum venit ad nos a Curia Romana frater Willielmus de Sando Andoeno assereus nobis Litteras Domini Pape de forma interdicti relaxandi in Anglia, quas venerabili patri nostro Domino Petro Wintonensi Episcopo destinavimus unde vobis mandamus rogantes quatinus ad negotium illud exequendum ad honorem Dei et nostrum et vestrum, Consilium et Auxilium efficax impendatis, et faciatis super negotio isto id quod Dominus Wintonensis Episcopus Justiciarius noster vobis dicit ad fidem & commodum nostrum, ut honorem inde habeamus, et Regni nostri Status in melius commutetur, unde merito vobis ad perpetuas teneamus gratiarum actiones. Teste me ipso apud Rupellam Octavo die Martii.

Rot. Clauf.
 15. Johan.
 parte prima,
 M. 1. Dorf.
 N. 106.

Eodem modo scribitur omnibus Comitibus, Baronibus, et Magnatibus Anglie, Data eadem.

Innocentis

Paris,
1107.
Alias Hier-
ogona.

Innocentius Episcopus, &c. Venerabilis frater noster Johannes Norwicensis Episcopus, & dilectus filius noster Robertus de Marisco Archidiaconus Northanhumbrie, & Nobiles viri Thomas de *Hundintuna & Adam nuncii nostri Charissimi in Christo filii nostri Johannis Regis Angliae illustris ex una parte; Magister Simon de Langeruna, A. & G. Clerici, nuncii venerabilis fratris nostri Stephani Cantuariensis Archiepiscopi ex altera parte, in presentia nostra constituti, asserere concorditer & constanter: Quod pro vitando grandi rerum dispendio, & gravi periculo animarum, expediebat quam plurimum tam Regno quam Sacerdotio ut sine dilatione relaxetur sententia interdicti. Unde nos pro affectu paterno, sollicitè inter eos ad salutem & utilitatem super his quæ pacis sunt cum illis tractavimus diligenter: Et tandem ipsis adulescentibus, formam pecuniarum Archiepiscopo Cantuariensi, Londoniensi, & Elyensi Episcopis vel aliis, quos ad hoc assignare voluerint faciat assignari: Computatis his quæ idem Rex noscitur persolvisse: Quod summa impletur quadraginta millia Marcarum. Quibus solutis, & cautione præstita inferius adnotata; Protinus sublato cujuslibet Appellationis et conditionis obstaculo, relaxetur sententia interdicti. Ac deinde singulis Annis duodecim millia Marcarum, in duobus terminis; in commemoratione videlicet omnium Sanctorum sex millia Marcarum, & totidem in festo Dominicæ Ascensionis, apud Ecclesiam Sancti Pauli Londoniensis, eidem faciat exhiberi; donec tota summa fuerit persoluta. Et hoc fideliter exequendum, obligavit seipsum, Ipse Rex per proprium juramentum, & per literas Patentes sigillo suo communitas: Nec non per fideiussionem Wintoniensis & Norwicensis Episcoporum, Cestrensis & Wintoniensis, & Willielmi Marecalli Comitum: Ita quod tam heredes ipsius Regis, quam Successores eorum teneantur asseriti. Quocirca per Apostolicam tibi scripta præcipienda mandamus, quatenus secundum formam præscriptam procedere non postponas, nisi de mera & libera voluntate partes aliter duxerint componendum. Datum Laterani.

Chart. 16. Jo-
hannis, n. 67.
N. 108.

Ego Johannes, Dei gratia Rex Anglie Dominus Hibernie Dux Normannie, Aquitanie et Comes Andegavie prestitum Juramento promitto quod tantam pecuniam in manus venerabilium Patrum Stephani Cantuariensis Archiepiscopi et Gulielmi Londoniensis Hugonis Lincolnienfis ac Eustachii Elyensis Episcoporum vel eorum quos ad hoc duxerint deputandos restituiam iis quibus faciendæ est restitutio computatis illis quæ persolvi eidem Archiepiscopo & Episcopis aut aliis hoc negotium contingentibus de ipsius Consilio vel mandato quod summam quadraginta millium Marcarum complebo, quibus solutis & cautione prestita inferius annotata nec non relaxata sententia interdicti deinde singulis annis duodecim in illa Marcarum in duobus terminis Commemoratione videlicet omnium Sanctorum sex millia & totidem festo Ascensionis apud Ecclesiam Sancti Pauli Londonie ejusdem faciam exhiberi, donec tota summa fuerit persoluta quæ taxante summo Pontifice declarabitur per inquisitionem de mandato ejus proinde faciendam, & ad hoc fideliter exequendum obligo me per proprium

proprium Juramentum ac per patentes literas sigillo meo munitas nec non pro fideiissione venerabilium patrum Petri Wintoniensis & Johannis Norwicensis Episcoporum, ac nobilium virorum Cestrensis & Wyntonienfis Comitum & Willielmi Briweri & Willielmi Marecalli Comitum de Pembroc si fuerit presens in Anglia vel Comitum de Ferrariis seu Comitum Arundel si Dominus Willielmus Marecallus forsitan absens fuerit eorum Juramentis & literis roboratam. Ita quod tam heredes mei quam Successores eorum pari obligatione teneantur asseriti. Et si forsitan quisquam de Successoribus eorum vel neguiverint vel noluerint ad hanc obligationem induci ego alium idoneum fideiussorem constituam secundum formam inferius annotatam. Actum autem est hoc apud Andegavum xvii. die Junii, Anno regni nostri xvi. Coram Magistro Pandulfo Domini Papæ Subdiacono & familiari ad hoc specialiter destinato in presentia venerabilium Patrum Johannis Norwicensis & W. Andegavensis Episcoporum, Ranulphi Comitum Cestrie, Willielmi Comitum de Ferrariis, Magistri Alani & Walteri Clericorum Domini Cantuariensis Archiepiscopi, Reginaldi de Pontibus Senioris, Paganii de Rupeforti & Thomæ de Erdinton.

Willielmus Comes de Ferrariis Omnibus presentibus scriptum visis salutem in Domino. Noveritis quod cum Dominus meus Johannes Rex illustris Anglorum singulis annis post relaxationem interdicti duodecim millia Marcarum in duobus terminis, Commemoratione videlicet Omnium Sanctorum sex millia Marcarum, & totidem in ascensione Domini in manus venerabilium patrum Stephani Cantuariensis Archiepiscopi Londoniensis Elyensis, ac Lincolnienfis Episcoporum, vel eorum quos ipsi ad hoc duxerint deputandos in Ecclesia Sancti Pauli London teneatur solvere donec tota summa fuerit persoluta quæ taxante summo Pontifice declarabitur per inquisitionem de mandato ejus proinde faciendam. Ego una cum aliis quinque confidejussoribus constitui me fideiussorem in Solido pro ipso Rege, & heredibus suis, per solennem stipulationem promittens, quod si ipse aut heres suus, quod absit, in solutione antedicta cessavit, ego infra quatuor menses postquam fuero ammonitus vel requisitus, sine dilatione & difficultate qualibet inde satisfaciam eisdem, pro quo observando obligavi me & omnia bona mea Renunciatis in hoc privilegio fori, & nove constitutionis beneficio, omnique alii exceptioni mihi competenti vel competituræ. Insuper tacite Sacro-Sanctæ Evangelicæ juravi in presentia Domini Pandulfi Domini Papæ Subdiaconi & ejus familiaris ad hoc destinati & Johannis Norwicensis Episcopi Thomæ de Erdinton, et Magistri Alani & Walteri Clericorum Domini Cantuariensis Archiepiscopi, me bona fide, & sine fraude observaturum, hæc omnia antedicta, & in hujus rei Testimonium hunc Scripto Sigillum meum apposui. Actum apud *Rupem fortem xvii. die Junii, Anno regni Regis Johannis 16.

Pat. 16. Jo-
hannis, parte
primæ, M. 17.
Dort.
N. 109.

* Rochfort.

Rex

ut. 15. Jo-
nu. parte
cunda, M. 8.
tus.
N. 110.

R Ex venerabili Patri in Christo Stephano Dei Gratia Cantuariensi Archiepiscopo, &c. Johannes eadem gratia Rex Anglia, &c. Sciatis quod per has literas nostras patentes protestamur, quod ad nos Nullatenus pertinet Clericos utlagare. Teste meipso apud Templum de Ewell xv die Maii, Anno, &c. Decimo Quinto.

These Letters Patents bear date the same day with the Resignation of his Crown to Pandulph, at the House of the Temple near Dover, See here N. 98. which House might be in this Temple Ewell.

bid. M. 8.
orff.
N. 111.

Omnibus Christi fidelibus ad quos presens scriptum pervenerit E. Dei gratia Abbas et Conventus R. Salutem in Domino Universitati vestre notum esse volumus quod Dominus noster Johannes Dei gratia Rex, &c. Nobis & Ecclesie nostre plene satisfecit super universis que per ipsum vel aliquem suorum ad opus suum ex bonis domus nostre percepta sunt, ab initio currentis Interdicti, usque ad talem diem, anni regni ejusdem xvi. Et in hujus sue plene satisfactionis & nostre quiete clamationis robur et Testimonium presenti scripto Sigillum Capituli nostri, duximus apponendum.

of 81. 11
11. 11. 11
11. 11. 11

King **JOHN's** Great Charter, as 'tis to be found in *Matthew Paris*, Fol. 255. N. 50. Compared with the Manuscript in *Bennet College Library*, and Translated and Divided into Articles or Chapters.

Archiepiscopi
& Episcopi,
&c. in a
Manuscript
Book of Laws
in Corpus
Christi Coll.
Library in
Cambridge.
N. 112.

Johannes Dei gratia Rex Anglia, * &c. Sciatis nos intuitu Dei, & pro salute anime nostre & antecessorum omnium & heredum meorum, & ad honorem Dei & exaltationem S. ecclesie & emendationem regni nostri, per consilium venerabilium patrum nostrorum Stephani Cantuariensis Archiepiscopi totius Anglie Primatis & Sancte Romane ecclesie Cardinalis, Henrici Dublinensis Archiepiscopi, Willielmi Londonensis Episcopi, Petri Wintoniensis, Jocelini Bathoniensis & Glastron' Hugonis Lincolnensis, Walteri Wigornensis, Willielmi Coventrensis, Benedicti Rossensis Episcoporum, & magistri Pandulphi Domini Papae Subdiaconi & familiaris, fratris magistri militis Templi Anglie, & nobilium virorum Willielmi Marechalli Comitis Penbroc, W. Comitis Saresberienensis, Willielmi Comitis Warrenne, Willielmi Comitis Arundel, Alani de Galesweia Constabularii Scottie, Warin filii Gerardi, Petri filii Hereberti, & Huberti de Burgo Seneschalli Pictavie, Hugonis de Novilla, Matthai filii Hereberti, Thome Basset, Alani Bisset, Philippi de Albeni, Roberti de Ropesse, Johannis Marechalli, & Johannis filii Hugonis, & aliorum fidelium nostrorum, in primis concessisse Deo, & hac presenti Charta nostra confirmasse pro nobis & heredibus nostris in perpetuum.

JOHN,

JOHN, By the Grace of God King of England, &c. To the Archbishops, Bishops, &c. Know ye, That We in the presence, or for the sake of God, and for the Health of our Soul, and the Souls of all my Antecessors and Heirs, and to the Honour of God, and the Exaltation of Holy Church, and Amendment of our Kingdom by advice of our Venerable Fathers, Stephan Archbishop of Canturbury, Primat of all England, and Cardinal of the Holy Roman Church, Henry Archbishop of Dublin, William Bishop of London, Peter of Winchester, Jocelin of Bath and Glastonbury, Hugh of Lincoln, Walter of Worcester, William of Coventry, Benedict of Rochester Bishops; And Master Pandulph the Popes Sub-Deacon, and ancient Servant, Brother of the Master of the Temple of England, and the Noble Persons, William Marechal, or Marshal Earl of Pembroke, William Earl of Salisbury, William Earl of Warren, William Earl of Arundel, Alan de Galeswey Constable of Scotland, Warin Fitz Gerard, Peter Fitz Herebert, and Hugo de Burgh Seneschal or Steward of Poitou, Hugh de Nevil, Matthew Fitz Herebert, Thomas Basset, Alan Basset, Philip de Albeney, Robert de Ropesse, John Marshal, John Fitz Hugo, and others our Fendataries or Liegemen; Have first of all, Granted to God, and by this our present Charter Confirmed for Us, and our Heirs for ever.

I. Quod Anglicana Ecclesia libera sit, & habeat jura sua integra, suas & libertates illas, & ita volumus observari, quod apparet ex eo, quod libertatem electionum, qua maxima & magis necessaria reputatur Ecclesie Anglicane, more & spontanea voluntate, ante discordiam inter nos & Barones nostros manifeste motam, concessimus, & charta nostra confirmavimus, & eam obtinimus a domino Papa Innocentio Papa tertio confirmari: quam & nos observabimus, & ab heredibus nostris in perpetuum bona fide volumus observari.

That the English Church shall be free, and enjoy her whole Rights, and her Liberties unhurt, and we will have them so observed, as it may appear, That the Freedom of Elections, which was reputed most necessary for the English Church, which we Granted, and Confirmed by our Chart, and obtained the Confirmation of it, from Pope Innocent the Third, before the Discord between Us and our Barons was of our meer Free Will. Which Chart of Freedom, we shall Observe, and do will it to be faithfully observed by our Heirs for ever.

II. Concessimus etiam & omnibus libertatibus nostris Regni Anglie; pro nobis & heredibus nostris in perpetuum omnes libertates subscriptas habendas & tenendas eis & heredibus suis de nobis & heredibus nostris.

We have also Granted to all our Freemen of the Kingdom of England, for Us and our Heirs for ever, All the underwritten Liberties to Have and to Hold to them and their Heirs, of Us and Our Heirs.

III. Si quis Comitum vel Baronum nostrorum sive aliorum tenentium de nobis in capite per servitium militare, mortuus fuerit, & cum decesserit, haeres suus plene etatis fuerit & relevium debeat, habeat hereditatem suam per antiquum relevium, scilicet haeres vel haeres Comitis de Baronia Comitis integra per centum libras, haeres vel haeres Baronis de Baronia

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integra

integra centum marcas; hæres vel hæredes in litis de fundo militis integro pro centum solidos ad plus; & qui minus debuerit minus det, secundum antiquam consuetudinem feudorum.

If any of our Earls, or Barons, or others which hold of us in Chief, by Military Service, shall die, and at the time of his Death his Heir shall be of Full Age, and owes a Relief; He shall have his Inheritance or Estate by the Antient Relief: That is to say, the Heir, or Heirs of an Earl, for a whole Earls Barony, an Hundred Pounds: The Heir, or Heirs of a Baron, for a whole Barony, an Hundred Marks: The Heir or Heirs of a Knight for a whole Knights Fee, an Hundred Shillings; and he that oweth less, shall give less, according to the Antient Custom of Fees.

IV. Si autem alicujus hæres talium fuerit infra ætatem, & fuerit in custodia, dominus ejus non habeat custodiam ejus nec terræ suæ antequam homagium ejus ceperit, & postquam talis hæres fuerit in custodia, & ad ætatem pervenerit, scilicet viginti & unius anni, habeat hereditatem suam sine relevo, & sine fine; ita tamen quod si ipse, dum infra ætatem fuerit, fiat miles, nihilominus terra remaneat in custodia Dominorum suorum usque ad terminum prædictum.

But if the Heir of any such shall be under Age, and shall be in Ward, his Lord may not have the Wardship of him, nor his Land before he hath received his Homage. And after such Heir shall be in Ward, and shall attain to the Age of one and twenty years, he shall have his Inheritance without Relief, or without Fine: Yet so, that if he be made a Knight while he is under Age, nevertheless the Land shall remain in the Custody, or Guardianship of their Lords until the foresaid time.

V. Custas terræ hujusmodi heredis, qui infra ætatem fuerit, non capiat de terra heredis, nisi rationabiles exitus, & rationabiles consuetudines & rationabilia servitia: & hæc sine destructione & vasto, hominum vel rerum. Et si nos commiserimus custodiam alicui talis terræ Vicecomiti vel alicui alii, qui de exitibus terræ illius nobis debent respondere, & ille destructionem de custodia fecerit, vel vastum: nos ab illo capiemus emendam, & terra committatur duobus Legalibus & discretis hominibus de fundo illo, qui similiter nobis respondeant, sicut prædictum est.

The Warden or Guardian of the Land of such Heir which shall be under Age, shall take of the Land of the Heir, only reasonable Issues or Profits, reasonable Customs, and reasonable Services, and these without the Destruction, or Waste of the Tenents, or things upon the Estate. And if we shall Commit the Guardianship of those Lands to the Sheriff, or any other, which ought to answer to us for the Issues or Profits of the Land, and he shall make Destruction and Waste upon the Ward-Lands, we will force him to give satisfaction, and the Land shall be committed to lawful and discreet, or understanding Tenents, of that Fee, who in like manner shall be answerable to us, as hath been said.

VI. Custos

VI. Custos autem quamdiu custodiam terræ habuerit, sustentet domos, parcos, vivaria, stagna, molendina, & cetera ad illam terram pertinentia, de exitibus terræ ejusdem. Et reddat heredi, cum ad plenam ætatem pervenerit, terram suam totam instauratam de carucis & omnibus aliis rebus ad minus secundum quod illi recepit. Hæc omnia observentur de custodiis Archiepiscopatum, Episcopatum, Abbatiarum, Prioratum, ecclesiarum, & dignitatum vacantium; quæ ad nos pertinent: excepto quod custodie hujusmodi vendi non debent.

But the Warden so long as he shall have the Wardship of the Land, shall uphold and maintain the Houses, Parks, Warrens, Pools, Mills, and other things belonging to the Land, with the Profits of the same Land; and shall restore to the Heir when he comes of full Age, his whole Land stocked with Ploughs and all other things, at least whatever he received. All these things shall be observed in the Custody or Wardship of vacant Archbishopricks, Bishopricks, Abbies, Priories, Churches, and Dignities, which do belong to us. Except that these Wardships ought not to be sold.

VII. Hæredes maritentur sine disparagione: ita tamen quod antequam contrahatur matrimonium, ostendatur propinquis de consanguinitate ipsius heredis.

Heirs shall be Married without Disparagement; and so, That before Matrimony shall be Contracted, those which are nearest to him in Blood shall be acquainted with it.

VIII. Vidua post mortem mariti sui, statim & sine difficultate aliqua habeat maritagium suum, & hereditationem suam; nec aliquid det pro dote sua, vel pro maritagio suo, vel hereditate sua, quam hereditatem maritus suus & ipsa tenuerunt, die obitus ipsius mariti. Et maneat in capitali mesuagio mariti sui per quadraginta dies, post obitum ipsius mariti, infra quos assignetur ei dos sua, nisi ei prius fuerit assignata: Vel nisi domus illa fuerit castrum, & si de castro recesserit, statim provideatur ei domus competens, in qua possit honeste morari, quousque ei dos sua assignetur, secundum quod prædictum est, & habeat rationabile etroverium suum interim de communis. Assignatur autem ei pro dote sua, tertiam partem totius terræ mariti sui, quæ sua fuit in vita; nisi de minori dotata fuerit ad ostium ecclesie.

A Widow after the Death of her Husband, shall forthwith and without any Difficulty have her Marriage-Goods, and her Estate of Inheritance; nor shall she give any thing for her Dower, or Marriage-Goods, or Inheritance, which her Husband, and she, held at the day of his Death: And she may remain in the Capital Mesuage, or Mansion of her Husband, by the space of Forty Days after his Death; in which time her Dower shall be Assigned, if it was not Assigned before: Unless the House shall be a Castle, and if she departs from the Castle, there shall forthwith be a competent Dwelling provided for her, in which she may decently remain, until her Dower be assigned, as hath been said; and she shall have her reasonable Etrover (i. e. Competent Provision or Maintenance) in the mean time out of the Common Stock, or whole Revenue. But there shall be assigned to her for her Dower the Third Part of the whole Land of her Husband, which was his in his life-time, except she was endowed with less at the Church-Door.

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IX. Nulla

IX. Nulli vidua defringatur ad se maritandum, dum voluerit vivere sine marito; ita tamen quod securitatem faciet, quod se non maritabit sine assensu nostro, si de nobis tenuerit; vel sine assensu Domini sui de quo tenuerit, si de alio tenuerit.

No Widow shall be distreined (*i. e.* compelled by taking her Goods) to Marry her self, while she will live without an Husband; yet so as she shall give security, she will not Marry without our Consent, if she holds of us; or without the Consent of the Lord of whom she holds, if she holds of another Person.

X. Nos vero vel Ballivi nostri non seiscemus terram aliquam, nec redditum pro debito aliquo, quamdiu catalla debitoris presentia sufficiunt ad debitum reddendum; & ipse debitor paratus sit inde satisfacere. Nec plegii ipsius debitoris defringantur, quamdiu ipse capitalis debitor sufficit ad solutionem debiti.

But we, or our Bayliffs (*i. e.* Officers) will not seise any Land or Rent, for any Debt, so long as there shall be Chattels (*i. e.* Goods) of the Debtors upon the Premises, sufficient to discharge it, and that the Debtor be ready and willing to satisfy it: Nor shall the Sureties of the Debtor be distreined (*i. e.* forced to pay the Debt by taking their Goods) so long the Capital Debtor be able to pay the Debt.

XI. Et si capitalis debitor defecerit in solutione debiti, non habens unde reddat, aut reddere nolit cum possit, plegii respondeant de debito: & si voluerint, habeant terras & redditus debitoris, quousque sit ei satisfactum de debito, quod ante pro eo solvitur; nisi capitalis debitor monstraverit se inde esse quietum versus eosdem plegios.

And if the Principal, or Chief Debtor makes default in Payment of the Debt, not having wherewithal to satisfy it, or will not satisfy it when he is able, then the Pleges or Sureties shall answer it, and they shall have the Lands, and Rents of the Debtor, so long as they shall be satisfied for the Debt they paid for him; unless the Chief Debtor can shew himself discharged thereof, and the Payment of it undertaken by the Sureties.

XII. Si quis mutuo acceperit aliquid a Judeis, plus vel minus, & moriatur antequam debitum illud persolverit; debitum illud non usuret quamdiu heres fuerit infra aetatem, de quoquoque tenet: & si debitum illud incidat in manus nostras, nos non capiemus nisi catallum contentum in Charta.

If any one borrowed any thing of the Jews, more or less, and dies before the Debt be paid; there shall be no Use paid for that Debt, so long as the Heir is under Age of whomsoever he holds: And if the Debt falls into our Hands, we will take only the Chattel contained in the Chart or Instrument, that is, the Pawn for the Money lent, mentioned in it.

XIII. Et si quis moriatur, & debitum debet Judeis, uxor ejus habeat dotem suam, & nil reddat de debito illo. Et si liberi ipsius defuncti qui fuerunt

fuerunt infra aetatem remanserint, provideantur eis necessaria secundum tenementum quod fuerit defuncti, & de residuo solvatur debitum; salvo tamen servitio dominorum, simili modo fiat de debitis, quae debentur aliis quam Judeis.

If any one shall die indebted to the Jews, his Wife shall have her Dower, and pay nothing of that Debt: And if the Defunct left Children under Age, they shall have Necessaries provided for them, according to the Tenement (*i. e.* the Real Estate) of the Defunct, and with the Residue or Overplus the Debt shall be paid; saving the Service of the Lords, on whom his Tenement is holden. In like manner the Debts due to other Persons than Jews shall be satisfied.

XIV. Nullum Scutagium vel auxilium ponam in regno nostro, nisi per commune consilium Regni nostri, nisi ad corpus nostrum redimendum, & ad primogenitum filium nostrum militem faciendum, & ad primogenitam filiam nostram semel maritandam. Et ad hoc non fiet nisi rationabile auxilium.

I will not Exact or Levy any Scutage or Aid in our Kingdom, without the Common Advice or Counsel of our Kingdom, unleis to Redeem our Body, and to make our eldest Son Knight, and once to Marry our eldest Daughter; and for this there shall only be paid a Reasonable Aid.

XV. Simili modo fiat de auxiliis de Civitate Londonensi: & Civitas Londoniensis habeat omnes antiquas libertates & liberis consuetudines suas, tam per terras quam per aquas.

In like manner it shall be concerning the Aids of the City of London; and the City of London shall have all its Ancient Liberties, and Free Customs, as well by Land as by Water.

XVI. Praeterea volumus & concedimus, quod omnes aliae Civitates, & Burgi, & Villae, & Barones de quinque portubus, & omnes portus, habeant omnes libertates & omnes liberis consuetudines suas, & ad habendum commune consilium Regni de auxiliis assidendis, aliter quam in tribus casibus predictis.

Furthermore, We Will and Grant, That all other Cities, and Burghs, and Towns, and Barons of the Cinque, or Five Ports, and all Ports, shall have all their Liberties, and Free Customs; and shall have the common advice of the Kingdom concerning the Assessment of their Aids, or shall send their Representatives, or Commissioners to the Common Council of the Kingdom for the Assessment of their Aids, otherwise than in the three Cases aforesaid.

XVII. Et de Scutagiis assidendis, submoneri faciemus Archiepiscopos, Episcopos, Abbates, Comites & Majores Barones regni singulatim per litteras nostras.

And for the Asssing of Scutages, We shall cause to be summoned the Archbishopps, Bishops, Abbats, Earls, and great Barons of the Kingdom, singly and personally, by our Letters, (*i. e.* Writs.)

XVIII. Et

XVIII. Et præterea faciemus submoneri in generali, per Vicecomites & Ballivos nostros, omnes alios qui in capite tenent de nobis, ad certum diem; scilicet ad terminum quadraginta dierum ad minus, & ad certum locum, in omnibus literis submonitionis illius, causam Submonitionis illius exponemus.

And furthermore we shall cause to be summoned in general by our Sheriffs and Bayliffs, All others which hold of us In Capite at a certain day: That is to say, Forty days at least, (I suppose before the time of meeting though not expressed) and to a certain place: In all Writs of such summons, We will declare the cause of it.

XIX. Et sic facta submonitione, negotium procedat ad diem assignatum, secundum consilium eorum qui præsentés fuerint, quamvis non omnes submoniti venerint.

And Summons being thus made, the Business mentioned in them shall proceed, according to the Advice of such as shall be present, although all that were summoned come not.

XX. Nos non concedimus de cetero alicui, quod capiat auxilium de liberis hominibus suis, nisi ad corpus suum redimendum; & ad faciendum primogenitum filium suum militem, & ad primogenitam filiam suam semel maritandam; & ad hoc non fiat nisi rationabile auxilium.

We will not for the future grant to any one, That he may take Aid of his free Men, unless to Redeem his Body, and to make his eldest Son Knight, and once to Marry his eldest Daughter; and for this there shall only be paid a reasonable Aid.

XXI. Nullus distringatur ad faciendum majus servitium de feudo militis, nec de alio libero tenemento, * quod inde debetur.

No Man shall be distrained to perform more service for a Knights Fee, or other Free Tenent, than what is due from it.

XXII. Communia placita non sequantur curiam nostram, sed teneantur in aliquo loco certo. Recognitiones de nova disseisina, & de morte antecessoris, & de ultima presentatione, non capiuntur nisi in Comitibus suis, & hoc modo. Nos (vel si extra regnum fuerimus) capitalis Justiciarius noster, mittet Justiciarios nostros per unumquemque comitatum per tres vices semel in anno, qui cum militibus Comitatum, capiant in Comitibus assisas prædictas.

Common Pleas shall not follow our Court, but shall be holden in some certain place. Tryals upon the Writs of Novel Disseisin, Death of the Ancestor, and last Presentment to Benefices, shall not be but in their proper Counties, and after this manner: We, or if out of the Kingdom, our Capital or Chief Justiciary, shall send our Justiciaries through every County once in a year, who with the Knights of the Counties, shall hold those Pleas and Tryals, or take Verdicts concerning them.

XXIII. Et ea quæ in illo adventu suo in Comitibus per Justiciarios prædictos, ad prædictas assisas capiendas missos, terminari non possunt, per eosdem

eosdem propter difficultatem articulorum aliquorum terminari non possunt, referantur ad Justiciarios nostros de Banco.

And those things which at the coming of the Justices into the Counties, sent to take or hold the said Tryals or Assises, cannot be determined, shall be determined elsewhere in their Circuit or Itiner: And those things which for the difficulty of some Articles cannot be determined, are referred to our Justices of the Bench.

XXIV. Assisa de ultima presentatione Ecclesiarum, semper capiantur coram Justiciariis de Banco, & ibi terminentur.

Assises of the last Presentation of Churches, shall always be taken before the Justices of the Bench, and there determined.

XXV. Liber homo non amercietur pro parvo delicto, nisi secundum modum ipsius delicti; & pro magno delicto, secundum magnitudinem delicti; salvo * contentamento suo. Et mercator eodem modo, salva marchandisa sua.

A Freeman shall not be amerced for a small fault, but according to the manner of the fault, and for a great Crime according to the heinousness of it, saving his Livelihood; and after the same manner a Merchant, saving his Ability to Trade or Merchandize.

XXVI. Et villanus alterius quam noster, eodem modo amercietur, salvo * Wannagio suo, si incidit in misericordiam nostram. Et nulla prædictarum misericordiarum ponatur, nisi per Sacramentum proborum & legalium hominum de Visco Comitatibus.

And a Villan (i. e. a Rustic or Husbandman) other than ours, shall be amerced after the same manner, saving his Ability to Till his Land, and Exercise Husbandry. If he falls under our Punishment, and none of the foresaid Amerciements shall be set, but by the Oath of twelve knowing and lawful Men of the Vicinage, and of the same County.

XXVII. Comites & Barones non amercientur nisi per pares suos; & non nisi secundum modum delicti.

Counts and Barons shall not be amerced but by their Peers, and only according to the Quality of the Crime or Offence.

XXVIII. Nulla Ecclesiastica persona amercietur secundum quantitatem beneficij sui, sed secundum laicum tenementum suum, & secundum quantitatem delicti.

No Ecclesiastic Person shall be amerced according to the Quantity of his Benefice, but according to his Lay Tenement; and the Quantity of his Offence.

XXIX. Nec villa nec homo distringatur facere pontes ad riparias; nisi qui de antiquo & jure facere debent.

Neither Town nor any particular Person shall be distrained to make Bridges over Rivers, unless that anciently and of right they ought to do it.

* From the word Contingere, signifying Accide, sumptus facere, from whence Contentementum significat Livelihood, or way of Living. Du Fresne in the word Contentementum.

* From Gagnage, a French word, thence Wannagium, Wannage, Gaignage Agriculture, or Tillage, sometimes it signifies Horses, and all Implements for Tillage, and sometimes the Crop.

* Deest verbum quam.

* So in a Manuscript Book of Laws in Corpus Christi Library in Cambridge.

XXX. *Nulla riparia de cetero defendetur, nisi illa que fuerat in defenso tempore Henrici Regis avi nostri.*

No River for the future shall be imbanked, but what was imbanked in the time of King Henry our Grandfather.

XXXI. *Nullus Vicecomes, Constabularius, Coronator, vel alii Ballivi nostri, teneant placita Corone nostre.*

No Sheriff, Constable, Coroner, or other Officer of ours, shall hold Pleas of the Crown.

XXXII. *Omnis Comitatus & Hundredi & Wapentag & Thretingi, sint ad antiquas firmas absque ullo incremento, exceptis Dominicis maneribus nostris.*

All Counties, Hundreds, Wapentachs, and Tithings, shall stand at the Old Farm, without any increase, except our * Demeasns Lands.

XXXIII. *Si aliquis teneus de nobis laicum feudum, moriatur, & Vicecomes vel Ballivus noster literas nostras ostendat patentes de submitione, * non de debito quod defunctus nobis debuit: liceat Vicecomiti vel Ballivo nostro attachariare & imbreviare catalla defuncti inventa in laico feudo, ad valentiam illius debiti per visum legalium hominum; ita tamen quod nihil inde amoveatur, donec persolvatur debitum nobis quod clarum fuerit, & residuum relinquatur executoribus ad faciendum testamentum defuncti. Et si nil nobis debeatur ab ipso, omnia catalla cedant * defuncto; salvo uxori ejus & pueris suis rationabilibus partibus.*

If any one that holds of us a Lay-Fee dies, and the Sheriff or our Bayliff shews our Letters Patents of * Summons concerning the Debt due to us from the Defunct, it shall be lawful for the Sheriff or our Bayliff to Attach and Register the Chattels of the Defunct found upon his Lay-Fee to the value of the Debt by the view of Lawful Men; so as nothing be removed, until our clear Debt be paid, and the rest shall be left to the Executors to fulfil the Will of the Defunct; and if there be nothing due from him to us, all the Chattels shall remain to the Defunct, (rather Executor) saving to his Wife and Children their reasonable shares.

XXXIV. *Si aliquis liber homo intestatus decessit, catalla sua per manus propinquorum, parentum & amicorum suorum per visum ecclesie distribuantur; salvo unicuique debitis que defunctus ei debuit.*

If any Freeman dies intestate, his Chattels shall be distributed by the Hands of his nearest Relations and Friends by view of the Church, (i.e. the Ordinary) saving to every one his Debts due from him.

XXXV. *Nullus Constabularius vel Ballivus noster capiat blada vel alia catalla alienius, qui non de villa ubi castrum situm sit, nisi statim inde reddat denarios, aut respectum inde habeat de voluntate venditoris: si autem de villa ipsa fuerit, infra quadraginta dies pretium reddat.*

No

No Constable of a Castle, or Bayliff of ours shall take Grain, or other Chattels of any Man, who is not of the Town where the Castle is, unless he presently gives him Money for it, or hath Respite of Payment from the Seller: But if he be of the same Town, he shall pay him within Forty Days.

A XXXVI. *Nullus Constabularius defringat militem aliquem ad dandum denarios pro custodia castri, si ipse eam facere voluerit in propria persona sua, vel per alium probum hominem; si ipse eam facere non possit per rationabilem causam.*

No Constable of a Castle shall Distrein any Knight to give Money for Castle-Guard, if he will perform it in his own Person, or by another stout Man, if he be hindered by any reasonable Cause.

B XXXVII. *Et si nos duxerimus eum vel miserimus in exercitum, erit quietus de custodia, secundum quantitatem temporis quo per nos fuerit in exercitu, de feudo pro quo fecit servitium in exercitu.*

And if he shall follow us, or we shall send him into the Army, he shall be free from Castle-Guard, according to the time he shall be in the Army, by our Command, for the Fee for which he performed his Service in the Army.

C XXXVIII. *Nullus Ballivus noster vel Vicecomes, vel alius, capiat equos vel caretas alienius pro captagio faciendo, nisi reddat liberationem antiquitus statutam; scilicet pro careta ad duos equos, decem denarios per diem; & pro careta ad tres equos, quatuordecim denarios per diem.*

D No Officer of ours, or Sheriff, or other, shall take Horses or Carriages of any one, to convey our Goods, unless he shall pay according to the Rate anciently appointed; that is to say, for a Cart and two Horses ten pence a day; and for a Cart with three Horses fourteen pence a day.

XXXIX. ** Nulla careta Dominica alicujus ecclesiastice persone vel militis, vel alicujus Domine capiatur per Ballivos predictos; nec nos nec Ballivi nostri nec alii capiemus boscum alienum ad castra vel agenda nostra, nisi per voluntatem illius cujus Boscus ille fuerit.*

E No proper Cart of any Ecclesiastical Person, or Knight or Lady, shall be taken by our Officers; neither shall We or our Officers, or others, take any other Mans Timber or Wood for our Castles or other uses, unless by the consent of the Owner.

XL. *Nos autem non tenebimus terras eorum, qui convicti fuerint de Felonia, nisi per unum annum & unum diem; & tunc reddantur terrae Domini feudorum.*

F We will hold the Land of those which are Convicted of Felony, but one year and one day, and then they shall be rendred to the Lord of the Fee.

XLI. *Omnes Radeles de cetero deponantur penitus per Tamisiam & per Medewisiam & per totam Angliam; nisi per costam maris.*

All Weres for the future shall be destroyed in the Rivers of Thames and Medway, and through all England unless upon the Sea-Coast.

S

XLII. Breve

The Sheriffs
anciently used
to let, and man-
age the Kings
taners, and
answer the
profits.
This word
ought not
to be here.

Foran potius,
Executori.

Into the
Exchequer.

* Nullus Vicecomes vel Ballivus noster capiet caretam alicujus liberi hominis pro Carriage faciendo nisi de voluntate ipsius liberi hominis, &c. in lib. MSS. in Bibliotheca Coll. Corpor. Christi Cantabrig.

XLII. Breve quod vocatur *Præcipe*, de cæterò non fiat alicui de aliquo tenemento, unde liber homo perdat causam suam.

The *Writ* which is called *Præcipe*, for the future shall not be granted to any one, of any Tenement, whereby a Free-Man may lose his Cause, or rather his Court, (Unde liber homo possit amittere * *Curiam suam*) in MSS. Collegii Corp. Christi Cantab.

XLIII. Una mensura vini & cervise sit per totum regnum nostrum, & una mensura bladi, scilicet quarterium Londinense. Et una latitudo pannorum tinctorum & russecorum & haubergetorum, scilicet dua ulne infra listas. De ponderibus vero sit ut de mensuris.

There shall be one Measure of Wine and Ale through our whole Kingdom; and one Measure of Grain, that is to say, the London Quarter: And one Breadth of Dyed Cloaths, and Russes, and Habergeits; that is to say, Two Ells within the Lists; and the Weights shall be as the Measures.

XLIV. Nihil detur * vel capiatur de cetero pro brevi inquisitionis, ab eo qui inquisitionem petit de vita vel membris; sed gratis concedatur & non negetur.

Nothing shall be given or taken for the future, for a *Writ* of Inquisition, from him that desires an Inquisition of Life or Limbs, but it shall be granted gratis, and not denied.

XLV. Si aliquis teneat de nobis per feudi firmam vel socagium vel burgagium, & de alio teneat terram per servitium militis; nos non habebimus custodiam heredis vel terre sue; quia est de feudo alterius, occasione illius feudi, firme, vel socagii vel Burgagii; nec habebimus custodiam illius feudi firme vel socagii vel burgagii, nisi ipsa feudi firma debeat servitium militare.

If any one holds of us, by or in Fee-Farm, Socage, or Burgage, and holds Land of another by Military Service, We will not have the Wardship of the Heir or Land, which is of, or belongs to another Man's Fee, by reason of what he holds of us in Fee-Farm, Socage, or Burgage. Nor will we have the Wardship or Custody of that Fee-Farm, Socage, or Burgage, unless the Fee-Farm is bound to perform Military Service.

XLVI. Nos non tenebimus custodiam heredis vel terre alicujus quam tenet de alio per servitium militare, occasione alicujus parve Sergeantie, quam tenet de nobis per servitium reddendi cultellos vel sagittas vel hujusmodi.

We will not hold the Wardship of an Heir, or any Land which he holds of another by Military Service, by reason of any petit or small Serjeanty he holds of us, by the service of giving us Daggers or Arrows, or the like.

XLVII. Nullus Ballivus ponat aliquem de cetero ad legem, nec ad juramentum, simpliciter loquela sua; sine testibus fidelibus ad hoc inductis.

No

No Bailiff or Officer for the future shall bring any Man under the sentence of the Law, nor to his Oath, (i. e. Purgation, or Canonical Purgation by his Oath) upon his single Accusation or Testimony, without Credible and honest Witnesses produced to prove it.

XLVIII. Nullus liber homo capiatur vel imprisonetur aut disfiſſetur de aliquo libero tenemento suo, vel libertatibus vel libertis consuetudinibus suis, aut utlagetur aut exulet, aut aliquo alio modo * destituatur; nec sperem eum ibimus nec eum in carcere mittimus, nisi per Legule judicium parium suorum, vel per legem terre.

* Q. Whether not destruat.

No Freeman shall be taken, or imprisoned, or disfiſſed of his Free Tenement, or Liberties, or Free Customs; or Out-lawed, or Banished, or any way destroyed, nor will we pass upon him, or commit him to Prison, unless by the Legal Judgment of his Peers, or by the Law of the Land, (i. e. by Legal Process, &c.)

XLIX. Nulli vendemus, nulli negabimus, aut differemus rectum vel justitiam.

We will not sell to any Man; we will not deny any Man; or delay Right or Justice.

L. Omnes Mercatores nisi publice prohibiti fuerint, habeant saluum & securem * exire de Anglia & venire in Angliam, & morari & ire tam per terram quam per aquam ad emendum vel vendendum sine omnibus tollis malis, per antiquas & rectas consuetudines, præterquam in tempore Werra, & si sint de terra contra nos Werrina.

* There wants the word Conductum.

All Merchants, unless they be publickly prohibited, shall have safe and secure Conduct to go out of, and come into England, and to stay there, and pass as well by Land as by Water, to Buy and Sell, by the ancient and allowed Customs only, without any Male-tolls (i. e. Illegal Exactions) except in Time of War, or when they shall be of any Nation in War with us.

LI. Et si tales inventiantur in terra nostra in principio Werra, attachientur sine damno corporum vel rerum; donec sciatur a nobis, vel a capitali Justitiario nostro, quomodo Mercatores terra nostra tractentur in terra contra nos Werrina; Et si nostri salvi sint ibi, alii salvi sint in terra nostra.

And if there be found such Merchants in our Land in the beginning of a War, they shall be attached, or secured, without Damage to their Bodies or Goods, while it may be known from us, or our Chief Justitiary, how our Merchants are dealt with in that Nation in War with us; and if ours be safe there, they shall be safe in our Land.

LII. Liceat unicuique de cetero exire de regno nostro, & redire salvo et secure per terram & per aquam, salva fide nostra; nisi in tempore Guerra per aliquod breve tempus propter communem utilitatem regni; exceptis imprisonatis & utlagatis, secundum legem Regni, & Gente contra nos Guerrina & Mercatoribus, de quibus fiat sicut supradictum est.

S 2

It

It shall be lawful for any one for the future, to go out of our Kingdom, and return safely and securely by Land or by Water, saving his Faith or Allegiance to us; unless in time of War by some short space, for the Commune Profit of the Kingdom, except Prisoners, and Out-Laws, (according to the Law of the Land) and People in War with us, and Merchants, who shall be in such Condition, as aforesaid.

LIII. Si quis tenuerit de aliqua escheata, sicut de honore Walsingfordie, Bononie, Lancastrie, Nottingham vel de aliis escheatis, que sunt in manu nostra, & sint Baronie, & obierit; heres ejus non det aliud relevium, nec faciat nobis aliud servitium quam faceret Baroni, si illa Baronia esset in manu Baronis: & nos eodem modo eam tenebimus, quo Baro eam tenuit, nec nos occasione talis Baronie vel Escheate habebimus aliquam Escheatam vel custodiam aliquorum hominum nostrorum, nisi alibi tenuerit de nobis in capite ille qui tenuit Baroniam vel Escheatam.

If any Man holds of any Escheat as of the Honer of Walsingford, Bologne, Lancaster, Nottingham, or of other Escheats, which are in our Hands, and are Baronies, and dies, his Heir shall not give any other Relief, or perform any other service to us, than he did to the Baron, if the Barony had been in possession of the Baron; and we will hold it after the same manner the Baron held it. Nor will we by reason of such Barony or Escheat have any Escheat or Wardship of any of our Ten, unless he that held the Barony or Escheat, held of Us in Capite in another place.

LIV. Homines qui manent extra Forestam, non veniant de cetero coram Justitiariis nostris de Foresta per communes submonitiones; nisi sint in placito, vel plegii alicujus vel aliquorum qui attachiati sunt propter Forestam.

Those Men which dwell without the Forest, for the future shall not come before our Justices of the Forest upon Commune Summons, but such as were concerned in the Controversie, or were Pleges for any that were Attached for any thing concerning the Forest.

LV. Omnes autem bosci qui fuerunt afforestati per Regem Richardum fratrem nostrum, statim deafforestentur; nisi fuerint * domini bosci nostri.

All Woods that were taken into the Forest by King Richard our Brother, shall forthwith be laid out again, unless they were our Demesne Woods.

LVI. Nullus liber homo de cetero det amplius alicui, vel vendat de terra sua, quam ut de residuo terra sue possit sufficienter fieri Domino feudi servitium ei debitum, quod pertinet ad feudum illud.

No Free-Man for the future shall give or sell any more of his Land, but that of the residue the Service due to the Lord of the Fee may be sufficiently performed.

LVII. Omnes * Patroni Abbatiarum, qui habent Chartas regum Anglia de advocacione, vel per aliquam antiquam tenuram vel possessionem, habeant earum custodiam cum vacaverint; sicut habere debent, & sicut supra declaratum est.

* Omnes Patroni qui fundaverunt Abbatias. In MSS. Coll. Corp. Christi.

All Patrons of Abbies, which have Charters of the Kings of England of the Advowson, or by any ancient Tenure or Possession, may have the Custody of them when void, as they ought to have, and as was declared before.

LVIII. Nullus capiatur vel imprisonetur, propter appellationem feminæ, de morte alterius quam viri sui.

No Man shall be taken or imprisoned upon the Appeal of a Woman, for the Death of any other Man, than her Husband.

LIX. Nullus Comitatus teneatur de cetero, nisi de mense in mensem; & ubi major terminus esse solebat, major sit.

No County Court for the future shall be holden, but from month to month; and where there used to be a greater space, let it be so.

LX. Nec Vicecomes aliquis, vel Ballivus suus faciat terminum suum per Hundredum, nisi bis in anno, & non nisi in loco debito & consueto; videlicet semel post pascha, & iterum post festum Sancti Michaelis. Et visus similiter de Franco plegio, tunc fiat ad illum terminum Sancti Michaelis sine occasione, ita scilicet quod quilibet habeat suas libertates, quas habuit & habere consuevit tempore Henrici Regis avi nostri, vel quas postea adquisivit.

Neither any Sheriff, nor his Bayliff shall keep his Turn oftner than twice in a year, and only in the accustomed place, that is to say, once after Easter, and once after Michaelmas; and the View of Franco Pleges, or Sureties for the Peace of the Freemen one for another, or of the Tithings, shall be then after Michaelmas, without oppression, and so that every one shall have his Liberties, which he had and was wont to have in the Time of King Henry our Grandfather, or such as he obtained afterwards.

LXI. Fiat autem visus de Franco plegio sic, ut pax nostra teneatur, & quod tethinga integra sit sicut esse consuevit;

But the view of France Pleges, shall be so made, That our Peace may be kept, and That the Tithing, be whole and full, as it wont to be.

LXII. Et quod Vicecomes non querat occasiones; & quod contentus sit de eo quod Vicecomes habere consuevit de visu suo faciendo, tempore Henrici Regis avi nostri.

And that the Sheriff shall not oppress or vex any man, and that he shall be Content with what the Sheriff wont to have for his view, in the Time of King Henry our Grandfather.

LXIII. Non liceat de cetero, alicui dare terram suam domui religionis; ita quod illam resumat tenendam de eadem domo.

For the future it shall not be lawful for any man to give his Land to a House of Religion, so as he may take it again, and hold it of that House.

LXIV. Nec

LXIV. Nec liceat alicui domui religionis terram sic accipere, quod tradat eam illi à quo illam recepit tenendam. Si quis autem de cetero terram suam sic dederit domui religionis, & super hoc convincatur, donum suum penitus cassetur, & terra illa domino suo illius feudi incurrat.

Nor shall it be lawful for any Religious House so to receive Land, as to pass it to him again, of whom they received it, to hold of them. If any Man for the future shall so give his Land to a Religious House, and be Convicted, his Gift shall be void, and the Land shall be forfeit to the Lord of the Fee.

LXV. Scutagium de cetero capiatur, sicut capi tempore Regis Henrici avi nostri consuevit, & quod Vicecomes non querat occasiones, & quod contentus sit de eo quod Vicecomes habere consuevit.

Scutage for the Future shall be taken, as it used to be taken, in the time of King Henry our Grandfather, and that the Sheriff vex no Man, and be content with what the Sheriff was wont to receive.

LXVI. Omnes autem consuetudines predictas & libertates quas concessimus in regno nostro tenendas, quantum ad nos pertinet erga omnes homines nostros de regno nostro, tam Clerici quam Laici nostri observent, quantum ad se pertinet erga homines suos.

All the foresaid Customs and Liberties which we have Granted to be holden in our Kingdom, as much as it belongs to us towards our Men of the Kingdom; Our Clerics and Laics shall observe as much as it shall belong to them, towards their Men.

LXVII. Salvis Archiepiscopis, Episcopis, Abbatibus, Prioribus, Templariis, Hospitalariis, Comitibus, Baronibus, Militibus, & omnibus aliis tam ecclesiasticis personis quam secularibus, libertatibus & libertis consuetudinibus, quas prius habuerunt. His testibus, &c.

Saving to the Archbishops, Bishops, Abbats, Priors, Templars, Hospitallers, Earls, Barons, Knights, and all others, as well Ecclesiastics as Seculars, the Liberties, and Free Customs, which they had before, these being Witnesses, &c.

King

King JOHN's Charter of Forests, as 'tis to be found in Matthew Paris, Fol. 259. N. 40. Translated and Divided into Articles or Chapters.

Johannes Dei gratia Rex Angliæ, &c. Sciatis quod intuitu Dei, & pro salute anime nostre, & animarum antecessorum & successorum, ad exaltationem Sanctæ Ecclesiæ, & emendationem regni nostre; spontanea & bona voluntate nostra dedimus, concessimus pro nobis & heredibus nostris, has libertates subscriptas, habendas & tenendas in regno nostro Angliæ in perpetuum.

Mat. Paris,
F. 259. n. 40.
N. 113.

JOHN, by the Grace of God King of England, &c. Know ye, That for the Honour of God, and the Health of our Soul, and the Souls of our Antecessors and Successors, and for the Exaltation of Holy Church, and the Amendment of our Kingdom, We have of our Free and Good Will Given and Granted for Us and our Heirs, these Liberties underwritten, To Have and to Hold in our Kingdom of England for ever.

I. In primis omnes foreste, quas Rex Henricus avus noster afforestavit, videantur per probos & legales homines, & si boscum aliquem aliumque summum dominicum afforestaverit, ad damnum illius, ejus boscum fuerit, statim deafforestetur. Et si boscum suum proprium afforestaverit, remaneat foresta, salva communia de herbagio, & rebus aliis in eadem foresta, illis qui eam prius habere consueverunt.

First of all, Whatsoever our Grandfather King Henry made Forest, or Forested, shall be viewed by knowing and lawful Men, and if he turned any other than his own proper Wood into Forest, to the damage of him whose Wood it was, it shall forthwith be laid out again, and disforested: And if he turned his own Woods into Forest, they shall remain so, saving the Common of Herbage in the same Forest to those, who formerly were wont to have it.

II. Homines qui huerunt extra forestam, non veniunt de capto coram Justiciariis nostris de foresta per communes subornationes, nisi sint in placito, vel plegii aliorum, vel aliquorum qui attachiati sunt propter forestam. Omnes autem bosci qui fuerunt afforestati per Regem Richardum fratrem nostrum, statim deafforestentur, nisi fuerint Domini bosci nostri.

They which dwell without the Forest, for the time to come, shall not upon Common Summons appear before our Justices of the Forest, unless they shall be concerned in the Controversie, or be Pleges, or Sureties for such as are attached or arrested for any matter concerning the Forest: All Woods that were turned into Forest by our Brother King Richard, shall be forthwith Disforested, unless they are our Demesne Woods.

III. Archiepiscopi,

III. Archiepiscopi, Episcopi, Abbates, Priores, Comites, Barones, Milites & Libere Tenentes, qui boscos habent in foresta; habeant boscos suos, sicut eos habuerunt tempore prime Coronationis predicti Regis Henrici avi nostri; ita quod quieti sint in perpetuum de omnibus purpresturis, vastis & assartis factis in illis boscis post illud tempus, usque ad principium secundis anni coronationis nostre. Et qui de cetero vastum purpresturam vel essartum facient sine licentia nostra in illis boscis, de vastis purpresturis & assartis respondeant.

The Archbishops, Bishops, Abbats, Priors, Earls, Barons, Knights and Free Tenents, which have Woods in any Forest, shall have their Woods as they had them in the time of the first Coronation of our said Grandfather King Henry, so as they shall be discharged for ever of all Purprestures, (i. e. Incroachments upon the Kings Lands, Highways, &c.) Wastes, and Assarts, (i. e. stubbing up Wood, clearing the Ground, and converting it into Arable without Licence) made in those Woods after that time to the beginning of the second year of our Coronation. And those which for the time to come shall make Waste, Purpresture, or Essart in those Woods without our Licence, shall answer for them.

IV. Regardatores nostri eant per forestas, ad faciendum regardum, sicut fieri consuevit tempore prime coronationis predicti Regis Henrici avi nostri, & non aliter.

Our Regarders or Viewers shall go through the Forest, to make a View or Regard, as it was wont to be at the time of the first Coronation of our said Grandfather King Henry, and not otherwise.

V. Inquisitio vel visus de expeditione canum existentium in foresta de cetero fiat, quando fieri debet regardum; scilicet de tertio anno in tertium annum; & tunc fiat per visum & testimonium legalium hominum, & non aliter. Et ille, cuius canis inventus fuerit tunc non expeditur, pro misericordia detres solidos; & de cetero nullus bos capiat pro expeditione. Talis autem expeditio sit per assisam communiter, quod tres oritibi abstendantur de pede anteriori sine poleta. Non expeditentur canes de cetero, nisi in locis ubi expeditari solent tempore prime coronationis predicti Henrici Regis avi nostri.

The Inquisition or View for Lawing of Dogs, which are kept within the Forest, for the Future shall be when the Regard is made, that is every three years, and then it shall be done by the View and Testimony of lawful Men, and not otherwise. And he whose Dog at such time shall be found unlawed, shall be punished three Shillings. And for the Future, no Oxe shall be taken for Lawing, and such Lawing shall be according to the Common Assise or Establishment, so as three fore-Claws of the Dogs Foot shall be cut off, or the Ball of his Foot cut out. For the Future Dogs shall not be Lawed, unless in such Places where they were wont to be Lawed in the time of King Henry our Grandfather.

VI. Nullus forestarius vel bedellus, faciat de cetero Scotallum, vel colligat garbas, vel avenam, vel bladum aliud, vel agnos vel porcillos, nec aliquam collectam faciat; & per visum & sacramentum duodecim regardatorum

regardatorum quando facient regardum, tot forestarii ponantur ad forestas custodiendas, quot ad illas custodiendas rationabiliter viderint sufficere.

No Forester or Bedell for the time to come shall make any * Ale-Shots, or Collect Sheafs of Corn, or Oats, or Wheat, or Lambs, or Pigs, nor shall make any Gathering or Imposition whatsoever. And by the View and Oath of Twelve Regarders, when they make their Regard, so many Foresters shall be appointed to keep the Forests, as they shall reasonably think sufficient.

VII. Nullum * suanimotum de cetero teneatur in regno nostro, nisi ter in anno; videlicet in principio quindecim dierum ante festum Sancti Michaelis, quando agistatores veniunt ad agistandum Dominicos boscos; & circa festum Sancti Martini, quando agistatores nostri debent accipere pannagium suum. Et ad ista duo suanimota, convenient Forestarii, viridarii & agistatores; & nullus alius per distractionem. Et tertium suanimotum teneatur in initio xvi. dierum ante festum Sancti Johannis Baptiste pro locatione bestiarum nostrarum; & ad istum suanimotum convenient Forestarii, viridarii, & non alii per distractionem.

No Swainmote for the time to come, shall be holden in our Kingdom oftner than thrice in one year: That is to say, in the beginning of Fifteen days before St. Michael, when the * Agisters come to Agist the Demesne Woods; and about the Feast of St. Martin, when our Agisters ought to receive their Panage, (i. e. Money for the Mast of Hogs in the King's Woods and Forests;) And in those two Swainmotes, the Foresters, Verderers and Agisters shall meet, and no other by Compulsion: And the third Swainmote shall be holden in the beginning of Fifteen days before the Feast of St. John Baptist, concerning the fawning of our Does, and at this Swainmote shall meet the Foresters and Verderers, and no others shall be compelled to be there.

VIII. Et preterea singulis quadraginta diebus, per totum annum, convenient viridarii & forestarii ad videndum attachiamenta de Foresta; tam de viridi quam de venatione per presentationem ipsorum Forestariorum, & coram ipsis attachientur. Predicta autem suanimota non teneantur, nisi in Comitatus in quibus teneri consueverunt.

And furthermore, every forty days throughout the whole year the Verderers and Foresters shall meet to View the Attachments of the Forest, as well of Vert as Venison, (i. e. to see what Offences had been committed concerning the Herbage or Venison) by Presentment of the Foresters themselves, and they who committed the Offences shall be forced to appear before them: But the aforesaid Swainmotes shall be holden, but in such Counties as they were wont to be holden.

IX. Unusquisque liber homo agistet boscum suum in Foresta pro voluntate sua; & habeant pannagium suum.

Every free Man shall Agist his Wood in the Forest (that is, take in Strangers Hogs and Cattle, or put in his own to feed in them) at his pleasure, and shall receive his Panage.

* It was when an Officer of the Forest for Ale, causing men to spend their money for fear he should inform against them.

* A Court of Tenents within the Forest before the Verderers.

* Such as took in Strangers Hogs and Cattle to feed in the Kings Woods and Forests, and received the money for them.

* It should seem before this time an Oxe was taken of him whose Dog was found unlawed.

X. Concedimus etiam quod unusquisque liber homo possit ducere porcos suos per Dominicum boscum nostrum, libere & sine impedimento; & ad agistandum eos in boscis suis propriis vel alibi ubi voluerit. Et si porci alienus liberi hominis una nocte pernoctaverint in Foresta nostra, non inde occasionetur; ita quod aliquid de suo perdat.

We Grant also, That every free Man may drive his Hogs through our Demesne Woods freely and without Impediment; and to agist them in his own proper Woods, or elsewhere as he will. And if the Hogs of any free-Man shall remain one night in our Forest, he shall not be troubled for it, so as he may lose any thing, (i. e. pay any thing for it)

XI. Nullus de cetero amittat vitam vel membra pro venatione nostra; sed si aliquis captus fuerit & convictus de captione venationis, graviter redimatur, si habeat unde redimi possit, & si non unde redimi possit, jaceat in prisiona nostra per annum unum & unum diem. Et si post annum unum & unum diem plegios invenire possit, exeat a prisiona; sin autem abjuret regnum nostrum Angliæ.

No Man for the time to come shall lose Life or Limb for taking our Venison: but if any one be taken and convicted of taking Venison, he shall be grievously punished, if he hath wherewithal; and if he have not, he shall lie in our Prison a year and a day: And if after that time he can find Sureties, he shall be released; if not, he shall abjure our Kingdom of England.

XII. Quicunque Archiepiscopus, Episcopus, Comes vel Baro veniens ad nos per mandatum nostrum transferit per Forestam nostram, licet illi capere unam vel duas bestias per visum Forestarii si presens fuerit; sin autem, faciat cornari, ne videatur hoc furtive facere. Item licet in redeundo idem eis facere sicut predictum est.

Every Archbishop, Bishop, Earl or Baron coming to us at our Command, and passeth through our Forest, may lawfully take one or two Deer by view of the Forester if present: If not, he shall cause a Horn to be wound, lest he should seem to steal them. Also in their Return they may lawfully do the same thing.

XIII. Unusquisque liber homo de cetero sine occasione faciat in bosco suo vel in terra sua, quam habet in Foresta molendinum, v. varium, stagnum, marleram, Fossatum vel terram arabilem, extra coopertum in terra arabili; ita quod non sit ad nocumentum alicujus Vicini.

Every free Man for the time to come, may Erect a Mill in his own Wood, or upon his own Land, which he hath in the Forest: Or Make a Warren, a Pool, or Pond, a Marle-Pit, or Ditch, or turn some of it into Arable, without the Covert in Arable Land, so as it be not to the Nuisance of his Neighbour; (i. e. hurt or damage of his Neighbour.)

XIV. Unusquisque liber homo habeat in boscis suis, Alerias accipitrum, spervariorum, falconum, aquilarum & heironum; & habeant similiter mel quod inventum fuerit in boscis suis.

Every

Every free Man may have in his Woods the Ayries of Hawks, of Sper-Hawks, Falcon, Eagle, and of Herons; and they shall likewise have the Honey which shall be found in their Woods.

XV. Nullus Forestarius de cetero, qui non sit Forestarius de fundo, reddens firmam nobis pro balliva sua, capiat cheminagium, scilicet pro caretta per dimidium annum, duos denarios; & per alium dimidium annum, duos denarios; & pro equo qui portat summagium, per dimidium annum, unum obolum; & per alium dimidium annum, unum obolum; & non nisi de illis qui extra ballivam suam tanquam Mercatores veniant, per licentiam suam in Ballivam suam, ad busciam meiorem corticem vel carbonem emendum, & alias ducendum ad vendendum ubi voluerint. Et de nulla caretta alia vel summagio, aliquid cheminagium capiatur, non capiatur cheminagium, nisi in locis illis ubi antiquitus capi solebat & debuit. Illi autem qui portant super dorsum suum busciam corticem vel carbonem ad vendendum, quomodo inde vivant; nullum de cetero dent cheminagium. De boscis aliorum, nullum detur cheminagium, Forestariis nostris, præterquam de Dominicis boscis nostris.

No Forester for the future, who is not a Forester in Fee, paying us Rent for his Office, shall take Cheminage, (i. e. Money for passing upon the Ways or Roads through the Forest) That is to say, for every Cart two pence for half a year, and for the other half year two pence; and for a Horse that carries Burthens, for half a year one half penny; and only of those that come as Merchants out of his Bayliwick or Liberty, to buy Under Wood, Timber, Bark, or Char-Coal; and to carry it to sell it in other places where they will. And there shall be no Cheminage taken for any other Cart or Burthen, unless in those places, where anciently it was wont, and ought to be taken. But they which carry Wood, Bark, or Coal, upon their Backs to sell, although they get a Livelihood by it, shall for the time to come pay no Cheminage. For passage through the Woods of other Men no Cheminage shall be given to our Foresters.

XVI. Omnes utlagati pro Foresta, a tempore Regis Henrici avi nostri, usque ad primam Coronationem nostram veniant ad pacem sine impedimento; & salvos plegios inveniant, quod de cetero non forsificent nobis de Foresta nostra.

All Persons Out-Lawed for Offences committed in our Forest, from the time of King Henry our Grandfather, until our first Coronation, may Reverse their Out-Lawries without impediment, and shall find Plegies, that for the time to come they will not forfeit to us (i. e. commit any offence) in our Forest.

XVII. Nullus Castellanus vel alius teneat placitum de foresta, sive de viridi sive de venatione; sed quilibet Forestarius de fundo attachiet placita de foresta, tam de viridi quam de venatione; & ea presentur viridarum provincialium; & cum rotulata fuerint & sub sigillis viridariorum inclusa, presententur capitali Forestario cum in partes illas venerit ad tenendum placita forestæ, & coram eo terminentur.

No Castellan (i. e. Constable, or Governour of a Castle) shall hold Pleas of the Forest, whether of Vert, or of Venison. But every Forester in Fee shall attach Pleas of the Forest, (that is, shall attach the Body or Goods of the Offenders to make them appear to answer their Offences)

Offences) as well concerning *Veri* as *Venison*, and shall present the *Pleas* or *Offences* to the *Verderers* of the several Counties; and when they shall be inrolled, and wound up in *Wax*, and sealed by the *Verderers*, they shall be presented to the *Chief Forester*, when he shall come into those parts to *Hold Pleas* of the *Forest*, and shall be determined before him.

XVIII. Omnes autem consuetudines predictas & libertates, quas nos concessimus in regno tenendas, quantum ad nos pertinet erga nostros, omnes de regno nostro tam Laici quam Clerici observent, quantum ad se pertinet, erga suos.

And all the Customs aforesaid, and Liberties, which we have granted, to be holden in our Kingdom, as much as it belongs to us, towards ours (understand *Men*) all of our Kingdom, (or Government) as well Laics as Clerics, shall observe as much as it shall appertain to them, toward theirs, (understand *Men*.)

Mat. Paris.
c. 163. n. 10.
N. 114.

Johannes Dei gratia Rex Angliæ, Dominus Hiberniæ, Dux Normanniæ & Aquitaniæ, Comes Andegavensis Archiepiscopus, Episcopus, Comitibus, Baronibus, Militibus, Ballivis, & omnibus huiusmodi literis visuris, salutem. Quoniam inter nos & venerabiles Patres nostros, Stephanum Cantuariensem totius Angliæ Primatem & Sanctæ Ecclesiæ Romanæ Cardinalem, Willielmum Londoniensem, Eustachium Elyensem, Egidium Herefordensem, Jocelinum Bathoniensem & Gloucestriensem, & Hugonem Lincolnensem Episcopos, super damnis & ablatis eorum tempore Interdicti, per Dei gratiam de mera & libera voluntate utriusque partis plene convenit, volumus non solum eis quantum secundum Deum possumus satisfacere, verum etiam toti Ecclesiæ Anglicanæ salubriter & utiliter in perpetuum providere. Inde est quod quaecumque consuetudo temporibus nostris & prædecessorum nostrorum hæcenus in Ecclesiâ Anglicanâ fuerit observata, & quicquid Juris nobis hæcenus vendicaverimus; de cætero in universis & singulis Ecclesiis, & Monasteriis, Cathedralibus, et Conventualibus, totius regni Angliæ, liberæ sint in perpetuum, electiones quorumcumque Prælatorum, majorum & minorum; salva nobis et hæredibus nostris, custodia Ecclesiarum, & Monasteriorum vacantium, quæ ad nos pertinent. Promittimus etiam, quod nec impediemus nec impediri permittemus per nostros, nec procurabimus, quin in universis & singulis monasteriis & Ecclesiis, postquam vacaverint prælaturæ, quemcumque voluerint libere eibi præficient electores pastorem; petita tamen a nobis prius & hæredibus nostris licentiâ eligendi; quam non denegabimus nec differemus. Et si forte accadat quod denegaremus, vel differemus; nihilominus procedant electores ad electionem Canoniciam faciendam. Et similiter post celebratam electionem, nos requiratur assensus, quem non denegabimus, nisi adversus eandem rationale proposuerimus, & legitime probaverimus propter quod non debemus consentire. Quare volumus & firmiter jubemus, ne quis vacantibus Ecclesiis vel Monasteriis, contra hanc nostram Concessionem & Constitutionem, in aliquo veniat vel venire præsumat. Si quis vero contra hoc aliquo tempore veniat, maledictionem Dei omnipotentis & nostram incipiat. His testibus Petro Wintoniensi

Wintoniensi Episcopo, Willielmo Marechalco, Comite Penbroc, Willielmo Comite Warreniæ, Ranulpho Comite Cestriæ, Sahero Comite Wintoniensi, Galfrido de Mandevilla Comite Gloverniæ et Essexiæ, Willielmo Comite de Ferraris, G. Briewere, W. filio Gerald, Willielmo de Cantelupo, Hugone de Novilla, Roberto de Wer, W. de Huntingfeld. Datum per manum Magistri Roberti de Marisco Cancellarii nostri, decimo quinto die Januarii, apud novum Templum Londini; Anno Regni nostri decimo sexto.

A

Innocentius Episcopus, &c. Venerabilibus fratribus & dilectis filiis universis Ecclesiarum Prælati per Angliam constituti, Salutem & Apostolicam Benedictionem. Dignis laudibus, attollimus magnificentiâ oratoris, postquam idem, qui est mirabilis & terribilis in Consiliis super filios hominum, aliquandiu toleravit ut persando discerneret per areolam hortis sui, spiritus tempestatis quasi ludens, saliter in orbem terrarum, ut sic ostenderet infirmitatem, & insufficientiam nostram, statim cum voluit, dixit Agutoni, Fla, & Austria noli prohibere, Imperansque ventis per mare statuit procellam in quædam, ut naves portum Quetis inveniant præceptum, Cumque igitur inter Regnum & Sacerdotium Anglicanum, non sine magno periculo atque damno, super electionibus prælatorum gravis fuerit controversia diutius agitata; Illo tandem, qui nihil impossibile est, quique ubi vult spirat mirabiliter operante, charissimus Johannes Rex Anglorum illustris, liberaliter ex mera & spontanea voluntate, de consensu communi Baronum suorum, pro salute anime sue, & prædecessorum suorum & Successorum Nobis concessit, & suis literis confirmavit; ut de cætero in universis & singulis Ecclesiis ac Monasteriis, Cathedralibus & Conventualibus totius Regni Angliæ, in perpetuum, liberæ sint electiones quorumcumque Prælatorum, majorum, & etiam minorum. Nos igitur hoc gratum & ratum habentes, concessionem huiusmodi, vobis & per vos Ecclesiis & Successoribus vestris, prout in eisdem literis Regis perspeximus contineri, auctoritate Apostolica confirmamus, & præsentis scripti patrocinio communimus. Nulli ergo omnino homini liceat hanc paginam nostræ confirmationis infringere, vel ei ausu temerario contraire. Si quis autem hoc attentare præsumserit, indignationem omnipotentis Dei, & Beatorum Petri & Pauli Apostolorum ejus, se noverit incursurum. Datum, Laterani, tertio Calendas Aprilis, Pontificatus nostri anno decimo octavo.

B

Cumque igitur inter Regnum & Sacerdotium Anglicanum, non sine magno periculo atque damno, super electionibus prælatorum gravis fuerit controversia diutius agitata; Illo tandem, qui nihil impossibile est, quique ubi vult spirat mirabiliter operante, charissimus Johannes Rex Anglorum illustris, liberaliter ex mera & spontanea voluntate, de consensu communi Baronum suorum, pro salute anime sue, & prædecessorum suorum & Successorum Nobis concessit, & suis literis confirmavit; ut de cætero in universis & singulis Ecclesiis ac Monasteriis, Cathedralibus & Conventualibus totius Regni Angliæ, in perpetuum, liberæ sint electiones quorumcumque Prælatorum, majorum, & etiam minorum. Nos igitur hoc gratum & ratum habentes, concessionem huiusmodi, vobis & per vos Ecclesiis & Successoribus vestris, prout in eisdem literis Regis perspeximus contineri, auctoritate Apostolica confirmamus, & præsentis scripti patrocinio communimus. Nulli ergo omnino homini liceat hanc paginam nostræ confirmationis infringere, vel ei ausu temerario contraire. Si quis autem hoc attentare præsumserit, indignationem omnipotentis Dei, & Beatorum Petri & Pauli Apostolorum ejus, se noverit incursurum. Datum, Laterani, tertio Calendas Aprilis, Pontificatus nostri anno decimo octavo.

C

He was chosen Pope January the 9th 1198. King John's Grant was included and inserted in this Popes Bull; but for the clearer understanding of them both, they are here Printed distinctly.

D

F

Ibidem, f.
161. n. 40.
N. 115.

Cum

Cum autem pro Deo & ad emendationem Regni nostri, & ad melius sopiendam discordiam inter nos & Barones nostros, hac omnia concessimus, volentes ea integra & firma stabilitate gaudere, facimus & concedimus eis societatem subscriptam: Videlicet quod Barones diligant viginti quinque Barones de regno nostro qui voluerint, qui debeant pro totis viribus suis observare, tenere, & facere observari pacem & libertates quas eis concessimus, & hac presenti charta confirmavimus, ita scilicet, quod si per nos vel Justitiarium nostrum erga aliquem in aliquo deliquiverimus, vel aliquem articulo pacis vel securitatis transgressi fuerimus, & delictum fuerit ostensum quatuor Baronibus de viginti quinque Baronibus; illi quatuor Barones accedent ad nos, & ad Justitiarium nostrum, si fuerimus extra regnum, & propoñentes nobis excessum, perent ut sine dilatione faciamus emendari. Et si nos excessum non emendaverimus (vel Justitiarius noster si fuerimus extra regnum) inter tempus quadraginta dierum, computando à tempore quo monstratum fuerit nobis, predicti quatuor Barones referent causam illam ad residuos de illis viginti quinque Baronibus. Et illi Barones cum communia totius terræ, distringent & gravabunt nos modis omnibus quibus poterunt: scilicet per captionem castroꝝ, terrarum, possessionum et aliis modis quibus poterunt, donec fuerit emendatum secundum arbitrium eorum; salva persona nostra & Regina nostra, & liberorum nostrorum. Et cum fuerit emendatum, intendent nobis sicut prius fecerunt. Et quicumque voluerit de terrâ, juret quod ad predicta omnia exequenda parebit mandatis predictorum viginti quinque Baronum; & quod gravabit nos pro posse cum ipsis. Et nos publice & libere damus licentiam jurandi cuilibet, qui jurare voluerit; & nulli unquam jurare prohibebimus. Omnes autem illos de terra nostra, qui per se & sponte sua voluerint jurare viginti quinque Baronibus de distringendo nos, & gravando nos cum eis, facientes jurare eosdem de mandato nostro, sicut predictum est. In omnibus autem istis, que viginti quinque Baronibus committuntur exequenda, si forte in aliquo inter se discordaverint, vel aliqui ex eis summoniti noluerint vel nequiverint interesse; ratum habeatur & firmum, quod major pars eorum providerit vel præceperit, ac si omnes viginti quinque hoc concessissent. Et viginti quinque Barones jurent, quod omnia antedicta fideliter observabunt, & pro toto posse suo facient observari. Et nos nihil impetrabimus per nos nec per alium, per quod aliquid istarum concessionum & libertatum revocetur aut minuat. Et si aliquid tale fuerit impetratum, irritum sit et inane; et nunquam eo utemur per nos vel per alium. Et omnes malas voluntates, & indignationes, & rancoꝝ ozos inter nos & homines nostros Clericos & Laicos a tempore discordiæ, plene omnibus remisimus & condonabimus. Et ad melius distringendum nos, quatuor Castellani, de Moxhanton scilicet, de Kestlewurde, de Notingham, & de Scardeburch, erunt jurati viginti quinque Baronibus; quod facient de castris predictis quod ipsi præceperint & mandaverint, vel major pars eorum. Et tales semper Castellani ponantur in illis Castris, qui fideles sint, & nolint transgredi juramentum suum. Et nos amovebimus omnes alienigenas à terra, Parentes omnes Girardi de Arbies, Engelardum scilicet, Andream, Petrum, Gyonem de Chanceles, Gyonem de Cigvint, uxorem predicti Girardi cum omnibus liberis suis, Gaufridum de Hartenni, & fratres ejus, Philippum, Marc, & fratres ejus, & G. nepotem ejus, Falconem,

& Flandrenses omnes & rupariæ, qui sunt ad nocumentum Regni. Præterea omnes transgressionem factas occasione hujus discordiæ a Pascha transacta, qui fuit annus decimus sextus, usque ad hanc pacem reformatam, plene remisimus omnibus Clericis & Laicis, & quantum ad nos pertinet, plene condonavimus. Et insuper fecimus illis fieri literas testimoniales & patentes Domini Stephani Cantuariensis Archiepiscopi, Domini Henrici Dublinensis Archiepiscopi, Domini Pandulphi Subdiaconi & Domini Papæ familiaris, & Episcoporum predictorum, super securitate ista concessionibus præfatis. Quare volumus & firmiter præcipimus, quod Anglicana Ecclesia libera sit, & quod omnes homines de regno nostro habeant & teneant omnes libertates præfatas, jura & consuetudines bene & in pace, libere & quiete, plenè & integre, sibi & heredibus suis, de nobis & heredibus nostris, in omnibus rebus, & locis in perpetuum, ut predictum est. Juratum autem est tam ex parte nostra quam ex parte Baronum, quod hec omnia supradicta, bona fide, & sine malo ingenio, observabimus: testibus supradictis & multis aliis. Data per manum nostram in prato quod vocatur Kintgemade, inter Stanes & Windlethores, decimo quinto die Junii, Anno Regni nostri decimo Septimo.

Rex Stephano Haregod &c. Sciatis quod firma pax facta est per Dei gratiam inter nos & Barones nostros de Veneris proxima post festum Sancte Trinitatis apud Rimmed prope Stanes, ita quod eorum homagia eodem die ibidem cepimus. Unde vobis mandamus firmiter præcipientes quos sicut nos & honorem nostrum diligitis & pacem regni nostri, ne ulterius turbetur quod nullum malum de cetero faciatis Baronibus nostris vel aliis vel fieri permittatis, occasione discordiæ prius orie inter nos & eos. Mandamus etiam vobis quod de finibus & censariis nobis factis occasione illius discordiæ si quid superest reddendum ultra predictam diem Veneris nichil capiat. Et si quid post illum diem Veneris cepistis illud statim reddatis. Et corpora prisonum & oblidum captorum & detentorum occasione hujusmodi guerre vel finium vel Censoriarum predictarum sine dilatione deliberetis. Hæc omnia predicta sicut corpus nostrum diligitis faciat. Et in hujus, &c. Vobis mittimus. Teste me ipso apud Rimmed decimo octavo Die Junii Anno Regni nostri decimo Septimo.

Rex Vicecomitibus Forstaris Warrenarum Custodibus Ripariarum & omnibus Ballivis suis in eodem Comitatu salutem. Sciatis pacem firmam esse reformatam per Dei gratiam inter nos & Barones & liberos homines Regni nostri sicut audire poteritis et inde per Cartam nostram quam inde fieri fecimus quam etiam legi publice præcepimus per totam Ballivam vestram et firmiter tenuri. Volentes et districe præcipientes quod tu Vicecomes omnes de Balliva tua secundum formam Carte predictæ jurare facias viginti quinque Baronibus de quibus mentio fit in Carta predicta ad mandatum eorumdem vel majoris partis eorum coram ipsis vel illis quos ad hoc attornaverint per literas suas Patentes et ad diem et locum quos ad hoc faciendum præfixerint predicti Barones vel

Pat. 17. Joh.
han. M. 23.
n. 111.
N. 117.

Pat. 17. Joh.
han. M. 23.
Dorset.
N. 118.

vel attornati ab eis ad hoc. Volumus etiam et precipimus quod duodecim Milites de Comitatu tuo qui eligentur de ipso Comitatu in primo Comitatu qui tenebuntur post susceptionem Literarum istarum in partibus tuis iurent de inquirendis pravis consuetudinibus tam de Vicecomitibus quam eorum Ministris forestis forestariis, Warenis et Warenariis Ripariis et eorum Custodibus et eis delendis sicut in ipsa Carta continetur. Vos igitur omnes sicut nos et honorem nostrum diligitis et pacem Regni nostri omnia in Carta contenta inviolabiliter observetis et ob omnibus observari faciat in Carta pro defectu vestri aut per excessum vestrum pacem Regni nostri, quod Deus avertat, iterum turbari contingat. Et tu Vicecomes pacem nostram per totam Balliviam tuam clamari facias et firmiter tenere precipias. Et in hujus, &c. Vobis mittimus. Teste meipso apud Runimed decimo nono die Junii Anno Regni nostri decimo septimo.

Pat. 17. Joh.
han. M. 21.
n. 105.
N. 119.

R Ex Vicecomiti Warwic et duodecim Militibus Electis in eodem Comitatu ad inquirendum et delendum pravas Consuetudines de Vicecomitibus et eorum ministris forestis et forestariis, Warenis et Warenariis, Ripariis et eorum Custodibus. Salutem. Mandamus vobis quod statim et sine dilatione saisitis in manum nostram terras et tenementa et Catalla omnium illorum de Comitatu Warewic qui jurare contradixerint viginti quinque Baronibus secundum formam contentam in Carta nostra de libertatibus vel eis quos ad hoc attornaverint. Et si jurare noluerint statim post quindecim dies completos præterquam terra et tenementa et Catalla eorum in manu nostra saisita fuerint Omnia Catalla sua vendi faciat et denarios inde perceptos salvo custodiatis deputandos subsidio Terra Sanctæ Terras autem et tenementa eorum in manu nostra teneatis quousque juraverint. Et hoc provisum est per iudicium Domini Cantuariensis Archiepiscopi, et Baronum Regni nostri. Et in hujus, &c. Teste meipso apud Winton vicesimo Septimo die Junii Anno Regni nostri decimo Septimo.

Idem mandatum est Omnibus Vicecomitibus Angliæ.

Claus. 17.
Johan. M. 21.
Dorl.
N. 120.

Hæc est conventio inter Dominum Johannem Regem Angliæ ex una parte et Robertum filium Walteri Marescallum Exercitus Dei et Sanctæ Ecclesiæ in Angliæ et Richardum Comitem de Clare Galfridum Comitem Essexiæ et Gloucestræ Rogerum Bygod Comitem Norfforch et Suffolch Saborum Comitem Wyntonie Robertum Comitem Oxoniæ Henricum Comitem Hereford et Barones subscriptos, scilicet W. Marescallum junorem Eustachium de Vesey, Willielmum de Mobrai Johannem filium Roberti Rogerum de monte Begon Willielmum de Lannalay et alios Comites et Barones et liberos homines totius Regni ex altera parte. Videlicet, quod ipsi Comites et Barones et alii præscripti tenebunt Civitatem London de Ballivo Domini Regis salvo interim Domino Regi firmis redditibus et clavis debitis suis usque ad assumptionem Beatæ Mariæ Anno, &c. Decimo Septimo. Et Dominus Cantuariensis tenebit similiter de Ballivo Domini Regis Turrim London usque ad prædictum terminum salvo Civitati London libertatibus suis et liberis Consuetudinibus suis et salvo cuilibet iure suo

suo in Custodia Turris London. Et ita quod interim non possit Dominus Rex munitionem vel vires alias in Civitate prædicta vel in Turri London. Fiant etiam infra prædictum terminum Sacramenta per totam Angliam viginti quinque Baronibus sicut continentur in Carta de libertatibus et securitate regno concessis vel attornatis viginti quinque Baronibus sicut continentur in Literis de duodecim Militibus eligendis ad delendas malas Consuetudines de forestis et aliis et præterea infra eundem terminum omnia quæ Comites et Barones et alii liberi homines petunt à Domino Rege quæ ipse dixerit esse reddenda vel quæ per viginti quinque Barones aut per majorem partem eorum iudicata fuerint esse reddenda reddantur secundum formam prædictæ Cartæ et si hæc facta fuerint vel per Dominum Regem non steterit quominus ista facta fuerint infra prædictum terminum tum Civitas et Turris London ad eundem terminum statim reddantur Domino Regi salvo prædictæ Civitati libertatibus et liberis Consuetudinibus suis sicut præscriptum est. Et si hæc facta non fuerint per Dominum Regem steterit quod ista non fiant infra prædictum terminum Barones tenebunt Civitatem prædictam et Dominus Archiepiscopus Turrim London donec prædicta compleantur. Et interim omnes ex utraque parte recuperabunt terras castra et villas quas habuerunt in initio Guerræ orta inter Dominum Regem et Barones.

Robertus filius Walteri, Marescallus exercitus Dei et Sanctæ Ecclesiæ, et alii Magnates ejusdem exercitus, nobili viro Willielmo de Albineto salutem. Bene scitis quam magnam commodum sit vobis et nobis omnibus, servare Civitatem Londoniarum quæ est receptaculum nostrum, et quantum dedecus esset et damnum nobis, si per defectum nostrum eam amitteremus. Scitis etiam certissime quod præmoniti fuimus, quod quidam sunt qui nihil aliud expectant, nisi quod recessissemus à Civitate prædicta, ut ita eam subito possent occupare. Et ideo per commune consilium prolongavimus Torneamentum, quod captivum fuit apud Stanfort, die Lunæ proxima post festum Apostolorum Petri et Pauli, usque ad diem Lunæ proximam post octavas prædictas. Erit autem Torneamentum juxta Londinum in Bzeta de Stranes, et villam de Hundeslawe, et hoc fecimus propter securitatem nostram et Civitatis prædictæ. Et ideo mandamus vobis et rogamus diligenter, quod ad Torneamentum prædictum, cum equis et armis ita provide veniatis, quod honorem inde habeatis. Qui melius ibi faciet, habeat usum, quem Dominus quadam mittet ad Torneamentum. Valete.

Ibid. f. 165.
n. 10.
N. 121.

Innoctius Episcopus Servus servorum Dei, Venerabilibus Fratribus Stephano Cantuariensi Archiepiscopo Sanctæ Romanæ Ecclesiæ Cardinali et Suffraganeis ejus salutem, et Apostolicam Benedictionem. Mirari cogimur et moveri grave gerentes plurimum et molestum quod cum inter vos et Karissimum in Christo filium nostrum Johannem Regem Angliæ illustrem pax ad honorem Dei et Ecclesiæ sit feliciter reformata, dissensionem inter ipsum et quosdam Magnates atque Barones nec non Complices eorumdem dissimulastis hactenus et conviventibus oculis pertransistis ad sopiendas illas non curantes interponere partes vestras. quavis nullatenus ignoretis

Pat. 18 Johan.
parte prima,
M. r. Dorl. n. g.
N. 122.

ignoratis quod nisi feliciter fuerint prudenti consilio ac studio diligenti sopite tantum ac tale scandalum earum occasione possit accidere toti regno quod forte nequiret absque multo dispendio ac magno labore sedari nonnullis suspicantibus & decentibus quod super questionibus contra ipsum Regem noviter suscitatis vos illis præbeatis auxilium & favorem, cum temporibus clara memoria Patris & Fratris sui nec non ipsius usque post pacem inter vos & ipsum nostram mediante sollicitudine reformatam huiusmodi questionibus non fuerint suscitatae. Illud autem reprobamus omnino si quemadmodum à multis asseritur conspirationes & conjurationes fecerint ausu temerario contra ipsum quodque cum armis irreverenter & indevote repetere præsumpserunt quæ cum humilitate & devotione si opus esset repetere debuissent. Ne igitur ipsius bonum propositum huiusmodi occasionibus valeat impediri, Fraternitatem vestram rogamus & exhortamur in Domino per Apostolica vobis scripta præcipiendo mandantes quatinus ad reformandum inter utrosque concordiam diligens studium impendatis & operam efficacem omnes conjurationes & conspirationes præsumptas à tempore suborta discordia inter Regnum & Sacerdotium Apostolica denunciante auctoritate cassatas & per excommunicationis sententiam inhibentes ne talia de cætero præsumantur, præfatos Nobiles movendo prudenter & efficaciter injungendo ut per manifesta devotionis & humilitatis indicia ipsum Regem sibi placare ac reconciliare procurent exhibentes ei servitia consueta quæ ipsi & prædecessores sibi & suis prædecessoribus impendant. Ac deinde siquid ab eo duxerint postulandum non insolenter sed reverenter implorent, regalem ei conservantes honorem, ut sic quod intenderunt valeant facilius optinere. Nos enim eundem Regem rogamus & obsecramus in Domino in remissionem sibi peccaminum injungentes quatinus prædictos Nobiles benigne pertractet & justas petitiones eorum clementer admittat ut & ipsi congaudentes cognoscant eum divina gratia faciente in meliorem statum esse mutatum. Ac per hoc ipsi & heredes eorum sibi & successoribus suis promptius & devotius debeant famulari. Datum Laterani decimo quarto * Kalendas Aprilis Pontificatus nostri anno octavo decimo.

March 17.
1215.

Ibidem, n. 4.
N. 123.

19 Martii,
1215.

Innocentius, &c. dilectis filiis Magnatibus & Baronibus Anglia salutem & Apostolicam Benedictionem. Grave gerimus & molestum quod sicut accepimus inter Karissimum in Christo filium nostrum Johannem Regem Anglorum illustrem & quosdam vestrum propter questionem noviter suscitatas dissensio est suborta grave dispendium paritura nisi feliciter fuerint prudenti consilio ac studio diligenti sopite. Illud autem reprobamus omnino si quemadmodum à multis asseritur conspirationes aut Conjurationes feceritis ausu temerario contra ipsum quodque cum armis irreverenter & indevote repetere præsumpistis quæ cum humilitate & devotione si opus esset vos repetere debibatis. Ne igitur ipsius bonum propositum huiusmodi occasionibus valeat impediri, nos omnes conspirationes & conjurationes præsumptas à tempore suborta discordia inter Regnum & Sacerdotium Apostolica denunciante auctoritate cassatas & per excommunicationis sententiam inhibemus ne talia de cætero præsumantur vos movendo prudenter & efficaciter inducendo ut per manifesta devotionis & humilitatis indicia ipsum Regem vobis placare & reconciliare curetis, exhibentes ei servitia consueta quæ vos & prædecessores vestri sibi et suis prædecessoribus impendistis. Ac deinde

deinde si quid ab eo duxeritis postulandum non insolenter sed cum reverentia imploretis regalem ei conservantes honorem ut sic quod intenderitis valeatis facilius optinere. Nos enim eundem Regem per scripta nostra rogamus & obsecramus in Domino in remissionem ei peccaminum injungentes ut vos benigne pertractet et justas petitiones vestras clementer admittat ut & vos ipsi congaudentes noscatis eum divini gratia faciente in meliorem statum esse mutatum, ac per hoc vos & heredes vestri sibi & successoribus suis & beatis promptius & devotius famulari. Quocirca Nobilitatem vestram rogandam duximus & movendam per Apostolica vobis scripta mandantes quatinus tales in hoc vos exhibere curetis quod regnum Angliæ optata pace lætetur & vos in necessitatibus vestris cum opus fuerit necessarium vobis impendere debeamus auxilium et favorem.

Datum Laterani decimo * quarto Kalendas Aprilis, Pontificatus nostri anno octavo decimo.

* 19 Martii,
1215.

Ex omnibus ad quos litteræ præfentes pervenerint salutem. Sciatis nos concessisse Baronibus nostris qui contra nos sunt quod nec eos nec homines suos capiemus nec dissaltemus nec super eos per vim vel per arma ibimus nisi per legem Regni nostri vel per iudicium Patrum suorum in Curia nostra donec consideratio facta fuerit per quatuor quos eligemus ex parte nostra, et per quatuor quos eligent ex parte sua, et Dominum Papam qui Superior erit super eos, & de hoc securitatem eis faciemus quam poterimus, & quam debebimus per Barones nostros et interim volumus quod Episcopi Londoniensis, Wigorniensis, Cestrensis, Rossensis, et Willielmus Comes Warrenæ interim eos securos faciant de prædictis. Et si forte contra aliquod interceptum fuerit infra competens tempus per prædictos Octo emendetur. Et in huius, &c. eis fieri fecimus. Apud Windeshore x die Maii, Anno Regni nostri xvi.

Pat. 16. Johannis parte prima, M. 3. Dorf. n. 2. N. 124.

10 Mail,
1214.

Domino Papa salutem, et debitam tanto Domino ac Patri cum devotione reverentiam. Sanctitati vestre grates referimus multiplices, de literis vestris pro nobis à paternitate vestra Domino Cantuariensi Archiepiscopo, et ejus suffraganeis porrectis, nec non magnatibus et Baronibus terræ nostræ, pro certo scituri, quod Barones ipsi litteras vestras in nullo exaudierunt; Dominus vero Cantuariensis Archiepiscopus, & ejus Suffraganei mandatum vestrum exequutioni demandare superleberunt. Nos vero attendentes præmissa, asserebamus Baronibus nostris, quod terra nostra Patrimonium erat Beati Petri, et eam de Beato Petro et Ecclesia Romana, et de vobis tenebamus. Adjecimus etiam quod Cruce signati eramus, & petebamus beneficium & privilegium Cruce signatorum, ne turbaretur terra nostra et ne consumeretur in malos usus quam in subsidium terræ Sanctæ

Claus. 17. Johannis, M. 14. vel 31. Dorf. Prym second Vol. f. 341. N. 125.

29 Mail,
1215.

expendere proposueramus, & appellavimus, per Willielmum Maraschallum, Comitem Pembrock, et Willielmum Comitem Warren, contra perturbatores pacis terre nostre. Verum quia cruce signati fuimus volentes in omni bus cum humilitate et mansuetudine procedere, salva appellatione nostra, obtulimus Baronibus illis, quod omnes malas consuetudines suscitatas, et per quemcumque introductas temporibus nostris penitus aboleremus, nec non et malas consuetudines tempore Regis Richardi, fratris nostri, subortas extirparemus; de consuetudinibus autem tempore Patrii nostri suscitatis, si quæ essent quæ eos gravarent, per consilium fidelium nostrorum operaremur. Sed nec hiis nec aliis supradictis contenti, omnia præmissa recusarunt. Videntes igitur quod ipsi manifeste nitentur ad turbationem Regni nostri, rogavimus Dominum Cantuariensem Archiepiscopum, et ejus Suffraganeos, quod exquererent mandatum vestrum, scilicet, quod secundum tenorem Literarum vestrarum consuevit nobis exhibere et servitia. Et postea si quæ à nobis petere vellent, cum humilitate et sine armis ea à nobis peterent, denunciante eos excommunicatos qui post prædicta eis oblata pacem Regni nostri perturbarent. Et videbatur Episcopo Exoniensi et Magistro Wandulpho qui præsentem erant, quod de jure per sententiam excommunicationis eos compellere debebant: Sed Archiepiscopus respondens ait, quod sententiam excommunicationis in eos nullo modo proferret, quia bene sciebat mentem vestram, et videbatur nobis similiter, quod ita facere debebat, quia mandavimus gentem copiosam de terris extraneorum ad succursum terre nostre. Et promissi nobis quod si eos revocare vellemus, non solum sententiam excommunicationis in eos inferret, verum etiam in quantum posset eis resistere: Unde gentem nostram revocavimus. Postmodum autem obtulimus eis per Literas nostras Patentes, per Dominum Cantuariensem Archiepiscopum, et duos vel tres suffraganeos ejus eis delatas, quod nos eligerimus ex parte nostra quatuor, et ipsi ex parte sua quatuor; Ita quod vos superiores constitueremini, de omnibus querelis Libertatum quas ipsi proponerent et ad suas nos responderemus, quod quicquid vos una cum illis Otto statueretis super omnibus quæ ipsi peterent à nobis, nos gratum haberemus et teneremus. Et quamvis se humiliare noluerunt versus nos sicut debuerant, nos tamen pro Servitio Dei, & succursu Terræ Sanctæ in tantum nos humiliavimus, quod hæc prædicta eis obtulimus. Et præterea eis obtulimus quod de omnibus petitionibus suis per considerationem parium suorum Iustitiæ plenitudinem eis exhiberemus. Quod ipsi recusarunt. Ad hæc Domine, die Veneris in Crastino Ascensionis Domini, venit ad nos Frater Willielmus de Camera vestra, vester familiaris, deferens nobis literas vestras continentes, quod dispositio peregrinationis nostre itinere sanctitatis vestre pedibus aliquem de nostris in Concilio representarent, paternitatem vestram de processu nostro et itinere nostri expeditione corticantes, super quo pie paternitatis vestre taliter respondimus, quod cum pervertis Baronum prædictorum inquietationibus ut ex præmissis nobis innotuit affligamur, nec possumus in eis bonum pacis invadere, quo saltem concordia afferatur, ut si facilius proposito insisteremus, Vos de itinere nostro, et itineris nostri expeditione certos reddere non possumus: Unum pro certo scientes, quod multi signatorum qui ad Terram Sanctam succursum se accinxerunt de partibus longinquis, viri magni et nobiles in conspectu nostro eos recipere benignè per suas Literas et Nuncios postulaverunt, quos pro prædictis incommodis super mandatis suis adhuc certificare non posuimus. Præterea Pater Revere[n]de in præ-

sentia

sentia prædicti fratris Willielmi vestri familiaris, nec non et venerabilium Patrum Wygorniensis et Eboracensis Episcoporum, obtulimus prædictis Baronibus, quod de omnibus petitionibus suis quas à nobis exigunt in vos benignissime compromitteremus, ut vos qui plenitudine potestatis gaudetis, quod iustum foret statueretis, et hæc omnia efficere renunt. Igitur pie Pater dominationi vestre præsentia duximus declaranda, ut de consuevit benignitate vestra quod nobis videretis expedire inde Statuistis.

Teste meipso apud Odbam xxix die Maii.

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Innocentius Episcopus, servus servorum Dei, universis Christi fidelibus hæc paginam inspecturis, Salutem & Apostolicam benedictionem. Etsi charissimus in Christo filius noster Johannes Rex Anglorum illis, Deum & Ecclesiam vehementer offenderit; unde nos cum vinculo excommunicationis innodavimus, & regnum ejus ecclesiastico subiecimus interdicto; ipse tamen (illo misericorditer inspirante) qui non vult mortem peccatoris, sed ut convertatur & vivat, tandem conversus ad Deum & Ecclesiam humiliter satisfecit; in tantum, quod non solum recompensationem pro damnis, & restitutionem exhibuit pro ablatis, verum etiam plenariam libertatem contulit Ecclesie Anglicanæ. Quinimo utraque sententia relaxata, regnum suum tam Angliæ quam Hyberniæ, Beato Petro & Ecclesie Romanæ concessit: recipiens illud a nobis in feudum sub annuo censu mille marcarum, fidelitate nobis inde præstito juramento, sicut per privilegium ejus apparet aurea bulla munitum. Adhuc etiam omnipotenti Deo amplius placere desiderans, signum Vivificæ Crucis reverenter accepit, profecturus in subsidium terræ Sanctæ; ad quod se magnifice preparabat. Sed humani generis inimicus, qui semper consuevit bonis actibus invidere; suis callidis artibus adversus eum Baronem Angliæ concitavit: ita ut ordine perverto in illum insurgere, postquam conbersus Ecclesie satisfecit, qui assistebant eidem quando Ecclesiam offendebat. Orta siquidem inter eos dissensionis materia, cum plures dies statuti fuissent, ad tractandum de pace, utrumque intus Solemnem nuntium ad nostram fuerunt præsentiam destinati. Cum quibus habito diligenti tractatu, post plenam deliberationem scriptique per eosdem Stephano Cantuariensi Archiepiscopo & Episcopis Anglicanis, præcipiendo mandantes, ut ad reformandam inter utroque veram & plenam concordiam diligens impenderent studium & operam efficacem, omnes conjurationes & conspirationes, si quæ fuerant forte præsumptæ a tempore subortæ discordiæ inter Regnum & Sacerdotium, Apostolica denunciantes auctoritate cassatas; & per excommunicationis sententiam inhibentes, ne talia de cætero presumerentur a quoquam. Magnates & nobiles Angliæ monendo prudenter, & assidue, injungendo, ut per manifesta devotionis & humilitatis indicia, ipsum Regem sibi placare studerent: ac deinde si quid ab eo ducentur postulandum, non insolenter sed humiliter implorarent; regalem consuetudinem ei honorant, & exhibentes servitia

Ibidem, f. 66.
n. 10. & Clauf.
17 Johannis,
M. 12. Dors.

N. 126.

24 Aug. 1215.

servitia consueta, quæ ipsi & prædecessores eorum sibi & prædecessoribus suis impenderunt; cum ab eis ipse Rex non debet absque judicio spoliari, ut sic quod intenderent, possint facilius obtinere. Nos enim eundem Regem per literas nostras rogavimus & monuimus, & per præfatos Archiepiscopum & Episcopos nihilominus rogari & moneri mandavimus, in remissionem sibi peccaminum injungentes, quatenus prædictos magnates & nobiles benigne tractaret, & justas eorum petitiones clementer admitteret; ut & ipsi cognoscendo cognoscerent, eum in meliorem statum divina gratia esse mutatum, ac per hoc ipsi & heredes eorum sibi & heredibus suis deberent promptius & devotius familiari: plena eis in veniendo, morando, & recedendo securitate concessa; ita quod si forte nequiret inter eos concordia provenire, in Curia sua per pares eorum, secundum leges & consuetudines regni suborta dissensio sopiretur. Verum antequam nuncii cum hoc provido & justo mandato rediissent, illi Juramento fidelitatis omnino contempto: cum etiam Rex eos injuste gravasset, ipsi tamen non debuisse sic agere contra eum: ut in causa sua iidem Judices & executores existerent, vasalli contra Dominum, et milites contra Regem publice conjurantes; non solum cum aliis, sed cum ejus manifestissimis inimicis præsumperunt contra eum arma movere; occupantes et devastantes terras illius; ita quoque quod Civitatem Londinensem, quæ sedes est Regni, proditione sibi traditam invaserunt. Interim autem præfatis nunciis revertentibus, Rex obtulit eis secundum formam mandati nostri justitiæ plenitudinem exhibere; quam ipsi omnino spernentes; ceperunt manus extendere ad pejora. Unde Rex ipse ad audientiam nostram appellans, obtulit eis exhibere justitiæ coram nobis, ad quem hujus causa judicium ratione Domini pertinebat: quod ipsi sunt penitus aspernati. Deinde obtulit illis ut tam ab ipso quam ab illis quatuor viri eligerentur prudentes, qui una nobiscum suborta inter eos discordiam terminarent promittens quod ante omnia revocaret universos ab ipsi, quicunque fuissent in Anglia suo tempore introducti: sed nec hoc illi dignati sunt acceptare. Tandem illis Rex proposuit quod cum Regni Dominium ad Romanam Ecclesiam pertineret, ipse non poterat nec debebat, absque nostro speciali mandato; quicquam de illo in nostrum præjudicium immutare. Unde rursus ad nostram audientiam appellavit; seipsum ac regnum cum omni honore ac jure suo Apostolica protectioni supponens. Sed cum nullo modo proficeret, postulavit ab Archiepiscopo & Episcopis, ut ipsi nostrum exequerentur mandatum. Jus Ecclesiæ Romanæ defenderent; ac tuerentur eundem secundum formam privilegii Crucesignatis indulti. Porro cum ipsi nihil horum facere voluissent, videns se omni auxilio & Consilio destitutum; quicquid illi ausi sunt petere, non est ausus ipse negare. Unde compulsus est per vim & metum, qui cadere poterat in virum etiam constantissimum, compositionem inire cum ipsis, non solum vilem & turpem, verum etiam illicitam & iniquam; in nimiam derogationem ac diminutionem sui juris pariter & honoris. Quia vero nobis a Domino dictum est in Prophetâ: Constituit te super gentes & Regna, ut ebellas & destruas, ædifices & plantes. Itemque per alium Prophetam: Dissolve colligationes Impietatis, solve fasciculos deprimentes. Nos tanta malignitatis audaciam dissimulare nolentes in Apostolica sedis contemptum, Regalis Juris dispendium, Anglicanæ gentis opprobrium, & grave periculum totius negotii Crucifixi; quod utique immineret, nisi per auctoritatem nostram revocarentur omnia, quæ a tanto principe cruce signato taliter sunt extorta, & ipso volente ea servare; ex parte Dei omnipotentis Patris &

& filii & Spiritus Sancti, auctoritate quoque Apostolorum ejus Petri & Pauli ac nostra, de communis scaturum nostrorum consilio, compositionem hujusmodi reprobamus penitus & damnamus; sub intimatione Anathematis prohibentes, ne dictus Rex eam oblerbare præsumat, aut Barones cum complicitibus suis ipsam exigant observari; tam etiam, quam obligationes seu cautiones quæcunque pro ipsa vel de ipsa sunt factæ, irritantes penitus & cassas; ut nullo unquam tempore aliquam habeant firmitatem. Nulli igitur omnino hominum liceat, &c. Datum * Agnaniæ, nono * Calendæ Septembris, Pontificatus nostri decimo octavo.

* At Augustin
Italy.
* l. c. 24th of
August 1215.

Innoceñtius Episcopus, Servus Servorum Dei, Nobilibus Viris Baronibus Angliæ, spirituum Consilii senioribus. Utinam in persecutione quam temere commovistis adversus Dominum vestrum Regem, attendissetis prudentius fidelitatis pristinæ juramentum; jus Apostolica sedis, nostræ provisionis mandatum, & privilegium Crucesignatis indultum. Quia proculdubio non sic processistis ad factum, quin omnes qui illud audiunt, quasi facinus detestantur; præsertim cum in causa vestra, vos ipsos Judices & executores feceritis; eodem Rege parato in Curia sua, vobis per pares vestros secundum leges & consuetudines regni justitiæ plenitudinem exhibere; vel coram nobis, ad quem hujus causa judicium ratione Domini pertinet, vel etiam coram arbitris eligendis, hinc, inde, una nobiscum in ipso negotio processistis. Unde cum nihil horum dignati fueritis acceptare, ad nostram audientiam appellavit; se ipsum ac Regnum cum omni honore & jure suo Apostolica protectioni supponens; publice protestando, quod cum ejusdem Regni dominium ad Romanam Ecclesiam pertineret, ipse non poterat nec debebat quicquam de illo in nostrum præjudicium immutare. Cum igitur illa compositio qualis qualis ad quam per vim & metum induxistis eundem, non solum sit vilis & turpis, verum etiam illicita & iniqua, ut merito sit ab omnibus reprobanda, maxima propter modum: nos qui tam Regi quam Regno tenemur & spiritualiter & temporaliter providere, per Apostolica scripta vobis præcipiendo mandamus, & in recta fide consulimus, quatenus facientes de necessitate virtutem, tenentis compositioni hujusmodi per vos ipsos, & satisfaciatis eidem Regi ac suis de damnis & injuriis irrogatis; ut idem Rex per manifesta devotionis & humilitatis indicia placatus; ad vobis, per seipsum emendet quicquid de jure fuerit concedendum. Ad quod etiam & nos ipsum efficaciter inducemus. Quoniam sicut nolumus, quod ipse suo jure privetur; ita volumus quod ipse a vestro gravamine desistat: ne per consuetudines pravas & exactiones iniquas, sub nostro Dominio Regnum Angliæ opprimatur. Eritque firmum & stabile in perpetuum, quod tali modo fuit ordinatum. Inspiret igitur vobis ille, qui neminem vult perire, ut adqueiscatis humiliter nostris salubribus consiliis & mandatis: ne si secus egeritis, in eum incidatis articulum necessitatis, quem tandem evadere sine multo gravamine non possitis. Quæ admodum ut de cæteris taceamus, nulla ratione dissimulare possemus grave periculum totius negotii Crucifixi; quod utique immineret, nisi per auctoritatem nostram revocarentur omnino, quæ a tanto Principe Crucesignato taliter sunt extorta, & ipso volente illa observari. Quare dum apud nos Archiepiscopus & Episcopi Angliæ, presentes extiterint in Concilio generali, quod ad expediendum Crucis negotium principaliter inten-

Mat. Paris,
f. 167. n. 30.
Rot. Claus.
17 Johannis,
M. 19. Dorl.

N. 127.

demus

Agnal in
aly.bid. f. 270.
40.
N. 128.

demus celebrare; procuratores idoneos ad nostram presentiam destinare, securum vos beneplacito nostro committentes; quia nos ea favente Domino, statemus, per que gravaminibus & abusus de regno Anglie prorsus exclusis, Rex suo sit iure, & honore contentus; & tam Clerus quam Populus universus debita pace ac libertate lateatur. Datum * Agnali nono Calendis septembris, (i. e. 24 Augusti) Pontificatus nostri anno decimo octavo.

A

A

Innoctentius Episcopus, &c. Petro Wintoniensi Episcopo, Abbati de Redinge & Pandulpho Ecclesie Romanæ Subdiacono, Salutem & Apostolicam Benedictionem. Miramur plurimum & movemur, quod cum charissimus in Christo filius noster Johannes illustris Rex Anglie, supra speciem Domino & Ecclesie satisfecerit; & praesertim Fratri nostro Stephano Cantuariensi Archiepiscopo, & Episcopis ejus, quidam eorum minus quam oportuerit & decuerit ad Sanctæ Crucis negotium, Apostolicæ sedis mandatum & fidelitatis præstitum juramentum debitum, immo nullum habentes respectum; ei contra perturbatores regni, quod ad Romanam Ecclesiam ratione dominii pertinere dignoscitur, auxilium non præstiterint vel favorem, quasi consilii, ne dicamus socii conjurationis iniquæ: quia non caret scrupulo societatis iniquæ: qui manifesto facinori desinit obviare. Ecce qualiter Patrimonium Romana Ecclesia Pontifici præstati defendunt? qualiter Crucesignatos tuentur; imo qualiter se opponunt, qui destrueri moluntur negotium Crucifixi? Pejores proculdubio Saracenis existentes, cum illum conantur a regno depellere, de quo potius sperabatur quod deberet succurrere terre Sanctæ. Unde ne talium insolentia, non solum in periculum Regni Anglie, verum etiam in perniciem aliorum Regnorum, & maxime in subversionem totius negotii Crucifixi valeat prævalere: Nos ex parte Dei omnipotentis Patris et Filii et Spiritus Sancti, auctoritate quoque Apostolorum ejus Petri & Pauli, ac nostra; omnes hujusmodi perturbatores Regis ac regni Anglie cum complicitibus et fautoribus suis, excommunicationis vinculo innodamus, et terras eorum Ecclesiastico subijcimus Interdicto: praefato Archiepiscopo et Coepiscopis suis in virtute obedientie, districtissime injungentes, quatenus nostram sententiam singulis diebus Dominicis et Festivis, pulsatis campanis, & candelis accensis, solemniter per totam Angliam publicare procurent; donec satisfecerint domino Regi de damnis et injuriis irrogatis, et ad ejus obsequium fideliter revertantur. Universis insuper ejusdem Regis Vassallis in remissionem peccatorum ex parte nostra injungentes, ut contra perversos hujusmodi, praefato Regi tribuant consilium et juvamen. Si quis autem Episcoporum hoc nostrum præceptum neglexerit adimplere, sciat se ab episcopali officio suspensum, et subditorum obedientiam esse subtractam: quia justum est, ut eis inferiores non obediant, qui suo superiori obedire contemnant. Ne igitur mandatum alicujus tergiversatione valeat impediri, excommunicationis causam prædictorum, cum ceteris que ad hoc negotium pertinnerint, vobis duximus committendum: per Apostolicam vobis scripta mandantes, quatenus protinus omni appellatione postposita, procedatis sicut videretis expedire.

Innoctentius

Innoctentius Episcopus, &c. Dilectis filiis Clericis & Laicis per Cantuariensem Provinciam constitutis, Salutem & Apostolicam Benedictionem. Ad communem volumus notitiam pervenire, quod nos suspensionis sententiam quam Venerabilis frater noster Petrus Wintoniensis Episcopus, & dilectus filius Pandulphus subdiaconus, & familiaris noster Norwicensis electus, in Stephanum Cantuariensem Archiepiscopum auctoritate Apostolica protulerunt, ratam habemus; & præcipimus inviolabiliter observari, donec idem Archiepiscopus, qui eam humiliter servat, mereatur ipsam juxta formam Ecclesie canonice præstitam relaxari, uno vinculo in aliud commutato. Quocirca universitati vestre per Apostolica scripta mandamus quatenus & vos ipsi præscriptam sententiam firmiter observetis, cum interim nullam debeatis eidem obedientiam exhibere. Datum Laterani, secundo * nonas Novembris Pontificatus nostri anno xviii.

Class. 17 Jo-
bannis M. 16.
Dorl.
N. 129.

* Nov. 4. 1215.

Innoctentius Episcopus, &c. Abbati de Albendune, Archidiacono Diaconensi, & Magistro Roberto Officiali Norwicensis Ecclesie, Salutem. Ad vestram volumus pervenire notitiam, quod nos nuper in generali Concilio constituti, excommunicabimus & anathematizabimus ex parte omnipotentis Dei Patris & Filii & Spiritus Sancti, auctoritate quoque Beatorum Petri & Pauli Apostolorum ejus, ac nostra, Barones Anglie cum adiutoribus & fautoribus suis, qui Johannem illustrem Regem Anglorum Crucesignatum & Matallum Romanæ Ecclesie persequuntur, molientes ei regnum auferre; quod ad Romanam Ecclesiam dignoscitur pertinere. Insuper excommunicamus & anathematizamus omnes illos, qui ad occupandum vel invadendum regnum ipsum, aut impediendum euntes in ejusdem Regis succursum, operam vel opem impenderunt; & terras eorundem Rationum Ecclesiastico subijcimus Interdicto. Aggravamus etiam in eisdem fortius manus nostras, si nec sic a suo desisterint iniquo proposito, cum in hac parte Pejores sint Saracenis: decernentes, ut si quis Clericus cuiusque dignitatis aut ordinis, prædictas excommunicationis aut Interdicti sententias violare præsumpsit, anathematis se sciat mucrone percussurum: & si quantocius resipuerit, ab omni officio & beneficio deponendum. Quocirca discretioni vestre per Apostolica scripta præcipiendo mandamus, quatenus per totam Angliam publicare faciatis præscripta: eademque faciatis auctoritate nostra, sublato cuiuslibet conditionis & appellationis obstaculo inviolabiliter observari. Volumus etiam nihilominus & mandamus, ut quosdam Barones Anglie, quos venerabilis Frater noster Wintoniensis Episcopus, & dilecti filii Abbas de Redinge, & Magister Pandulphus Subdiaconus & familiaris noster, delegati a nobis, excommunicatos personaliter nominaverunt, quia ipsos in præscriptis culpabiles invenerunt, videlicet: Eves illos Londinenses, qui fuerunt principales pramonitæ perversitatis auctores; & Robertum filium Walteri, Sabherum Comitem Wintoniensem, R. filium ejus, Galfridum de Mandebilla, & Willielmum fratrem ejus, Willielmum ejus, Humfridum Comitem de Clare, &c. filium ejus, Eustachium de Wesci, Johannem Constabularium Cestrie, Willielmum de Humdray, Willielmum de

Mat. Paris,
f. 177. lla. 1.
N. 130.

16 Dec. 1215.

X

de Albineto, W. filium ejus, Robertum de Ros. Et W. filium ejus, Perrum de Brus, Rogerum de Cressi, Johannem filium ejus, Ranulphum filium Roberti, Rogerum Comitem Wigou, h. filium ejus, Robertum de Uer, Fulconem filium Marini W. Baler, Willielmum de Monte Reus, Willielmum filium Barchaliti, Willielmum de Bello Campi, S. de Rime, Rogerum de Monte Begonis, H. colaum de Strutevilla; nec non & alios in prædictorum. *Judicium sententia nominatim expressis, cum complicitate & fautoribus eorumdem, auctoritate Apostolica excommunicatos per totam Angliam publice denunciari faciatis: & ab omnibus archiepis, singulis diebus Dominicis & festiuis solemniter innovari, hujusmodi sententiam facientes ac denunciantes inviolabiliter observari; Civitatemque Londinensem Ecclesiastico suppositam Interdicto, & contradictores per censuram Ecclesiasticam appellatione postposita compescendo. Magistrum etiam Gerbassum Londinensem, Cancellarium, qui sicut a Judicibus præfatis accepimus, dicti Regis & suorum manifestissimus extitit persecutor, excommunicatum publice denunciatis; ac suspensum, graviore etiam pena, nisi congrue satisfecerit, puniendum. Quod si nos omnes, &c. Datum Laterani * xvi Calendas Januarii Pontificatus nostri anno decimo octavo.*

* That is, Peter Bishop of Winton, the Abbot of Reding, and Pandulph.

* 16 Decemb. 1215.

Ibid. n. 40.
N. 131.

Innocentius Episcopus, &c. Hujus igitur auctoritate mandati, vobis districte precipiendo mandamus, quatenus Barones Angliæ cum omnibus adjutoribus & fautoribus suis, qui Dominum Johannem Regem Angliæ persequuntur; & omnes illos qui ad occupandum vel invadendum regnum ipsum, vel impediendum euntes in ejusdem Regni succursum operam vel opem impenderunt, excommunicatos denunciatis; & terras eorumdem Baronum Ecclesiastico interdicto suppositas publicatis. Denunciatis etiam excommunicatos omnes Barones, qui in præmissis domini Papæ rescripto personaliter nominantur; cum aliis omnibus in prædictorum Judicium sententia nominatim expressis. Videlicet, Walterum de Noztuna, Othbertum filium Alani, Othbertum de Wallibus, H. de Traibzock, R. de Ropelle, W. de Polzage, W. de Baubuit, Mauricium de Gaunt, R. de Berkele, Adam de Lincolana, R. de Mandevilla, W. de Landaleie, Philippum filium Johannis, Willielmum de Quintuna, W. de Hurringfeld, Alexandrum de Pointuna, R. de Gungficher, R. de Greflet, Galfridum Constabularium de Beutuna, W. Archidiaconum de Peterford, J. de Fereby, R. Capellanum, Roberti filii Walteri, Alexandrum de Suttuna, W. de Colebille, R. filium ejus, Othbertum de Robi, Othbertum Giffard, Nicolaum de Stanwell, Thomam de Buletune, Cives illos Londinenses, Magistrum Gerbassum Cancellarium, & Civitatem Londinensem Ecclesiastico suppositam Interdicto, publice denunciatis. Has vero excommunicationis & Interdicti sententias in Ecclesiis nostris tam Conventualibus quam Parochialibus ad nos pertinentibus publicari; ac singulis diebus Dominicis & festiuis faciatis solemniter innovari, ita districte singula capitula mandati Apostolici exequendo & quantum ad vos pertinet firmiter observando, ne in poenam Canonica & contumacibus debitam incidatis. Valete.

H. Dei

H. Dei gratia Abbas Abbdunensis, &c. Exequentes mandatum Apostolicum nobis sic impositum, sicut tenor litterarum nostrarum, quas nuper vobis transmissimus, vobis plenius intimavit: sancti Pauli sanctique Martini Capituli, G. de Boclande ejus Ecclesie Decano, & Conventui sancte Trinitatis Londonensis, litteras nostras Domini Papæ rescripti verba continentes, non solum semel sed sæpe misimus: eis auctoritate Apostolica districte precipientes, ut excommunicationis & interdicti sententias latas in persequentes Animum Regem, & Civitatem Londinensem, diligenter publicantes, inviolabiliter observarent. Qui adeo irreverenter Apostolicum vilipendere mandatum præsumunt, quod easdem sententias publicare vel etiam observare per contumaciam contempserunt: In divinis obsequiis excommunicatis scienter communicantes, sententiarum Domini Papæ violatores, & mandati ejus contemptores manifestos omnino se in omnibus exhibendo. De quibus per patentes litteras Capituli Sancti Pauli, Sanctique Martini, Clericos & nuncios ejusdem Decani nobis specialiter destinatos; & per alias sufficientes probationes plenam habentes certitudinem, constiterit. Præterea de regno Francorum quidam nobiles advenierunt, cum armata manu Militum, & Clientum; quos omnes proculdubio eadem excommunicationis sententia volumus esse ligatos. Nam contra dominum Regem & Sanctam Romanam Ecclesiam invadunt regnum Angliæ, quotidie depradantes illud, & pro parte detinent occupatum; quod est cunctis in Angliæ & multis alibi manifestum. Quocirca jam dictos nobiles, Castellanos scilicet de Sancto Audemaro cum suis locis, qui contra Regem ad occupandum vel invadendum regnum Angliæ opem vel operam impenderunt. Insuper prædictum Decanum, nec non & omnes Canonicos, & Clericos, cujusunque dignitatis aut ordinis, de Ecclesiis præfatis, & Civitate, ad quorum notitiam mandatum pervenerit, vel qui se absentaverunt, vel quocunque modo procuraverunt, quo minus perveniret ad illos; auctoritate Apostolica quæ fungimur in hac parte, denunciamus excommunicatos: Vobis eadem auctoritate injungentes, quatenus omnes prædictos excommunicatos publice denunciatis, & faciatis per totam Parochiam vestram publicari, tam Decanum quam nobiles supradictos personaliter nominando. Ita & circa hoc & illud quod in primis literis vobis directum continetur mandatum, solliciti existentes ne penes summum Pontificem quod absit, possitis redargui negligentie, sed potius de diligentia commendari. Valete.

Ibm. f. 279.
n. 40.
N. 132.

Lodovicus filius Philippi Regis primogenitus, universis fidelibus & amicis suis qui sunt Londini, salutem & sinceram dilectionem. Sciatis certissime, quod ipsa Dominica Instantis Pasche erimus apud Calesiam, parati per Dei gratiam transfricare. Super eo quod vos in omnibus negotiis meis strenue & viriliter habuistis, vobis refero gratias copiosas; Vos attente rogantes, & atterissime requirentes, quatenus sicut semper fecistis, adhuc vos fortiter & strenue teneatis. Volumus enim quod certi sitis, quod in brevi habebitis nos in succursum vestrum. Et vos attente rogamus, ut super his, nullis aliis suggestionibus, vel literis aut nunciis credatis: credimus enim quod super his falsas litteras habebitis, aut nuncios Seductores. Valete.

Ibm. f. 80.
n. 40.
N. 133.

X 2

Omnibus

Pat. i Johan.
M. 11. Dors.
N. 134.

Omnibus Christi fidelibus, &c. Stephanus Dei gratia Cantuariensis Archiepiscopus totius Angliæ Primas & Sanctæ Romanæ Ecclesiæ Cardinalis, Henricus Dublinensis Archiepiscopus, Willielmus Londoniensis, Petrus Wintoniensis, Joscelinus Bathoniensis, & Glastoniensis, Hugo Lincolnensis, Walterus Wigorniensis, Willielmus Coventrensis, Ricardus Ciceſtrenſis Episcopi, & Magister Pandulphus Domini Papæ Subdiaconus & familiaris, salutem. Noverit universitas vestra quod quando facta fuit Pax inter Dominum Regem Johannem et Barones Angliæ de discordia inter eos orta iidem Barones nobis presentibus et audientibus promiserunt Domino Regi quod quamcunque securitatem habere vellet ab eis de pace illa observanda ipsi ei habere facerent præter Castella et obſides. Postea vero quando Dominus Rex petiit ab eis ut talem Cartam ei facerent. Omnibus, &c. Sciatis nos astrictos esse per Sacramentum, et homagia Domino nostro Johanni Regi Angliæ de fide ei servanda de vita et membris et terreno honore suo contra omnes homines qui vivere possint et mori et ad iura sua et hereditatem suorum ad regnum suum custodiendum et defendendum. Ipsi id facere noluerunt. Et in huius rei testimonium id ipsum per hoc scriptum protestamur.

Mat. Paris.
F. 283. n. 10.
N. 135.

Excellentissimo Domino suo Lodovico, Domini Regis Francorum primogenito, D. de Corbolio, J. de Monteſiſito, & G. Limeth, nuncios, salutem & fidele servitium. Noverit excellentia vestra, quod nos die Dominica ad mensem Paschæ venimus ad dominum Papam, salvis personis nostris & rebus: & eodem die intravimus statim ad ipsum, quem hilarem invenimus, sed vultu tristem se nobis exhibuit. Et presentatis literis nostris, & propoſita ſalutatione ex parte vestra, ipse nobis respondit: Dominus vester non est dignus ſalutatione nostra. Ego vero statim respondi: Pater, credo quod auditis rationibus & exultationibus Domini nostri, invenietis eum dignum ſalutatione vestra; utpote Christianum, Catholicum, vobis & Romanæ Ecclesiæ devotum. Et sic illa die à presentia Domini Papæ recessimus. Sed in recessu nostro benignissime nobis dixit Dominus Papa; quod nos libenter audiret, quando & quoties vellemus. Sequenti die Martis, Dominus Papa misit servientem quandam ad hospitium nostrum, ut veniremus ad ipsum, & statim venimus ante eum, & ipse multa dixit contra nos, cum propoſuiſſemus causam nostram, & que videbantur impugnare factum vestrum, & rationes vestras. Et statim finito sermone, percussio pectore suo cum magno gemitu, infirmavit spiritu, et dixit: Heu mihi, quia in hoc ſæculo Ecclesia Dei non potest evadere confusione. Si enim Rex Angliæ vincitur, in ipsius confusione confundimur: quia Matheus noster est, & tenemur eum defendere. Si Dominus Lodovicus vincitur, quod Deus aberrat, in ipsius latione laturus Romana Ecclesia, & ipsius lationem propriam reputamus. Secure enim semper habuimus, & adhuc habemus; quod ipse in omnibus necessitatibus debeat esse brachium, solatium in oppreſſionibus, & refugium in perſecutionibus Ecclesiæ Romanæ. Et in fine dixit, quod melius vellet mori, quam aliquod malum vobis accideret in hoc ſæculo. Et sic illa die recessimus. Præterea de consilio quorundam Cardinalium expectamus diem

diem Ascensionis, ne quid statuatur contra vos: Quoniam illa die solet Papa innobare sententias suas. Dixerat enim nobis Papa, quod ipse expectaret nuncios Domini Walonis. Valete.

A **R**ex Baford & Probis hominibus Lenn Salutem. Mandamus vobis quod per Consilium Fulconis De Wyrcy, Willielmi de Ros, Willielmi Wygod & Willielmi Gernon Recipiatis in villa Lenn omnes quos videritis esse ad fidem Noſtram, Teſte apud Divil. 7 Die Junii.

Pat. 18 Johan.
M. 8. n. 6.
N. 136.

B **R**ex omnibus has literas inspecturis Salutem. Sciatis quod suscepimus in gratiam & Benevolentiam noſtram omnes illos de Comitatu Lincoln, qui ad fidem & ſervitium noſtrum redire voluerint per Dilectum nobis Nicholaum de Wapa, & Robertum de Gaugy, Gratum ſiquidem & acceptum habemus Finem quem ipſi qui ad fidem & ſervitium noſtrum Redierint cum eiſdem Nicholao & Roberto fecerint pro pace noſtra habenda, & in Huius, &c. Teſte Rege apud Oxon. 4 Die Sept.

Ibidem, M. 2.
n. 17.
N. 137.

C **R**ex omnibus, &c. Sciatis quod Die Martis proxima poſt feſtum Sancti Dionysii Anno xviii Recepiſimus in Camera noſtra apud Lenn Centum Marcas Argenti per manus Agathæ Trullebut uxoris Willielmi de Albino de Fine eiſdem Willielmi quem Nobiscum fecit pro De liberatione ſua. Et in Huius, &c. Teſte apud Lenn xi Die Octob.

Ibid. M. 1. n. 8.

D **R**ex omnibus, &c. Sciatis quod Res & Merchandiſe que ſunt in Navi quam Radulphus filius Walteri Ducit noſtre ſunt quas quidem Duci præcepimus uſque Grimeſby, &c. Teſte apud Wyſteberth xii Die Octob.

Ibidem, n. 7.

E **R**ex omnibus, &c. Sciatis quod ſuſcepimus in protectionem & Deſenſionem noſtram Abbatem Sancti Edwardi de Saſſebiria cum omnibus et eam pertinentibus, &c. Et in Huius, &c. Teſte apud Liſſford xxi Die Octob. This Liſſford, Mat. Paris calls Laſford, and the place intended both by the Record and Hiſtorian was Sleſford Caſtle in Lincolnſhire within 10 or 15 Miles of Newark.

Ibidem, n. 6.

F **R**ex Conſtabulario Hertford Salutem. Mandamus vobis quod talem ſeiſinam habere facias Waltero de Montgomeri militi, Comiti de Ferratis, de terra ſua in Honderſon, qualem inde habuit ante Guerram, & unde occasione Guerræ fuerit Diſſeiſitus. Teſte meipſo apud Newerc xvi Die Octob.

Ibidem, n. 2.

Rex Henrico Belet Salutem. Mandamus vobis quod Fidem habeatis hiis que Sabaricus de Walo Leone, Willielmus Comes Albemarle & Fulco de Wiant vobis Dicent ex parte noſtra ad Fidem, Commodum, et Honorem noſtrum. Teſte apud Newerc, xviii Die Octob. and in the night of this Day King John died.

Ibidem, n. 3.

Mandatum

Pat. 18. Jo-
han. M. 2.
N. 138.

Mandatum est Vicecomiti Lincoln: Quod faciat habere Ol. vero de Albino Terram que fuit Willielmi de Landa, in Coleby qui est cum inimicis Domini Regis, quam Dominus Rex ei concessit. Teste Rege apud Lincoln 28 die Septemb.

bm. M. 1.

Rex Probiis Hominibus de Crimlesham salutem. Sciatis quod Con-
cimus Dilecto Clerico nostro Johanni de Wabilly totam Terram
que fuit Rogeri de Crimlesham cum omnibus pertinentiis suis, & ideo
vobis Mandamus quod eidem Johanni faciatis quod facere Tenemini, &
ei sitis intendentes. Teste meipso apud Lenn xi die Octobr.

Mandatum est Vicecomiti Norffi. Quod faciat Habere eidem Jo-
hanni plenam seisinam de terra predicta cum pertinentiis. Teste
ut supra.

In this Record the Probi Homines were Ordinary people, for 'tis
probable there might be no other in a small Country Village,
that were Tenents to the Lord of the Maner. But in Counties,
Hundreds, Cities, and great Towns, they always were the ablest
most knowing, and best sort of people.

Cart. 2. Jo-
han. n. 38.
N. 139.

Johannes Dei gratia Rex, &c. Sciatis nos Concessisse & presenti Carta
Confirmasse Gulielmo de Baosa honorem de Limeric cum omni-
bus pertinentiis suis, retentis in Dominico nostro Civitate Limeric &
donatione Episcopatum & Abbatiarum & retentis in manu nostra
Cantredo Osmannorum et Sancta Insula sicut Rex Henricus pater
noster honorem illum dedit Philippo de Baosa Avunculo predicti Gu-
lielmi Habendum et Tenendum sibi et Heredibus suis de nobis et
Heredibus nostris per servicium Sexaginta Militum Excepto Serbitio
Gulielmi de Burgo de omnibus terris et tenementis suis quecumque de
predicto honore tenuit et de quocumque ea tenuit die Natalis Domini
proxima post secundam Coronationem nostram que nos retinuimus in
manu nostra et heredum nostrorum una cum predictis que retenta sunt in
manu nostra, et exceptis hiis omnibus que ad Coronam Regiam pertinent,
quare volumus et firmiter precipimus quod predictus Gulielmus de Ba-
osa et heredes sui post eum habeant et teneant predictum honorem de Li-
meric illis exceptis que bone memorie Henricus Rex pater noster et nos
retinuimus in Dominico, et manu nostra cum omnibus pertinentiis suis
in bosco et plano in pratis et pasturis, in aquis et molendinis, in vivariis
et piscariis et stagnis, in viis et Semitis et in omnibus aliis locis et aliis
rebus ad honorem illum pertinentibus bene et in pace libere et quiete
integre et honorifice cum omnibus libertatibus et Liberis Consuetudinibus
suis et etiam adeo libere ut alii Capitales Barones nostri de
Hibernia liberius teneant per predictum Servicium Testibus Huberto
Cantuarie Archiepiscopo R. Sancti Andrei Episcopo, Ranulpho Co-
mite Cestrie R. Comite Lecestrie Gualfrido filio Petri Comite Essex
Gulielmo Bitter Huberto Wardolph Waltero de Lacp Simone
de Pateshull Dat. per manum Simonis Archidiaconi Wellensis apud
Lincoln duodecimo Die Januarii Regni nostri Anno Secundo.

Rex

Pat. 6 Johan.
M. 1. n. 1.
N. 140.

Rex, &c. Willelmo filio Henrici, &c. & Baronibus Hibernie,
&c. Sciatis quod dedimus & Concessimus Hugoni de Lacp
pro homagio & serbitio suo terram de Wiston cum pertinentiis suis
Habendum & Tenendum sicut Johannes de Turcy eam tenuit die qua
idem Hugo eum in Campo seifuit vel die proximo precedenti Saluta-
tam: nobis * Croitils de terra illa, et Sciatis quod retinuimus nobiscum
predictum Hugonem ipsumque nobiscum ducimus in Servizio nostro. Et
Ideo vobis mandamus quod terram suam et omnia sua custodiat man-
teneatis et defendatis sicut nostra Dominica. Teste me ipso apud Winton
duodecimo die Martii

per Archidiaconum Wigorn.

Weller was Son to Henry Fitz-Went, Rafe Son of King Henry the First by Beles.

* Crocia signi-
fies a Bishop
or Abbat
Staff. So that
saving the B.
shops and Ab-
bats Staves,
signifies saving
the Donation
of the Bishop-
ricks and Ab-
bates of that
Land, as in the
former Record

Clau. 7 Jo-
han. M. 5.
N. 141.

Rex Willelmo filio Henrici Justiciario Hibernie, &c. Sciatis
quod Deferimus nobis exposuit ex parte Regis Connactie quod
idem Rex exigit tenere de nobis tertiam partem terre de Connactia per
Centum Marcas per annum sibi & heredibus suis nomine Baronia &
pro duabus partibus ejusdem terre reddet nobis annuatim debitum tribu-
tum scilicet Trecentarum Marcarum Et preterea concedet nobis duos Can-
tredos cum Nativis eorundem Cantredorum de predictis duabus parti-
bus ad firmandum in eis vel ad faciendum, inde voluntatem nostram,
& ideo vobis mandamus quod si hoc videritis esse nostrum melius id ita
fieri faciatis. Quia ad hoc bene assentimus si vos videritis expedire, verum a-
men curam & operam adhibeatis diligentem si poteritis apponere incremen-
tum de dono propter hoc concedendum, quia sicut Audivimus ipse CCC
Marcas propter hoc dabit ad minus de Cestuna & efficiatis etiam quod
donet de vaccis & aliis rebus per Annum ad sustentandum Castra nostra
que illic firmaverimus Teste me ipso apud Brehull vicesimo Die Decembris

per G. Lutterell, per ipsum Regem.

Cart. 9 Jo-
han. n. 48.
N. 142.

Johannes Dei Gratia, &c. Sciatis nos concessisse & presenti Carta
nostra Confirmasse Gulielmo de Barry rationabilem donationem
quam Robertus filius Stephanus fecit Philippo de Barry patri ejus-
dem Gulielmi cuius heres ipse est de tribus Cantredis in terra sua de
Cozraia scilicet Dietban cum omnibus pertinentiis suis & aliis duobus
scilicet Buscherie Dunegan & Cantredo de Killede pro servicio de-
cem Militum, sicut Cartae predicti Roberti quas inde habet rationa-
biliter testantur, Quare volumus & firmiter precipimus quod idem Gu-
lielmus & heredes sui habeant et teneant predictos tres Cantredos cum
omnibus pertinentiis suis bene et in pace libere et quiete et integre in om-
nibus locis et rebus cum omnibus libertatibus & liberis consuetudinibus
ad Cantredos illos pertinentibus sicut predictum est Saluta nobis
et heredibus nostris in omnibus hiis que ad Coronam Regiam pertinent
Testibus Domino Johanne Norwicensi D. Waterfordensi S.
D. densi

Videntis Episcopis, Beilero filio Henrici Justiciario Hibernie Jo-
hanne Parisbal'o Philippo de Wendigast David de Rupe Ranul-
pho Comite Cestrie Sabero Comite Wintonie R. de Clerici ponte
p. de Nevill Gaufrido de Nevill Dat. per manum P. de Willel.
Archidiaconi Willelensis apud Wudeshok Octavo Die Novembris
Anno Regni nostri nono.

Pat. 1 H. 3.
M. 14.
N. 143.

Rex Hugoni de Lacy salutem. Mandamus vobis quod secure & sine
dilatione veniatis ad fidelitatem et servitium nostrum & conce-
dimus vobis saluum conductum nostrum in veniendo ad nos & nobiscum
loquendo et inde salvo revertendo. Et vos scire volumus quod si ad
nos venire volueritis jura vestra et libertates vestras per consilium dilecto-
rum fidelium nostrorum Ranulphi Comitis Cestrie, Willelmi Com-
itis de Ferrariis, et aliorum fidelium nostrorum integre vobis restitu-
mus licet vero bone memorie Johannes pater noster in aliquo erga vos
deliquerit ipsius delicti debemus esse immunes nec delictum suum ali-
quatenus nobis debet imputari. Et in hujus, &c. Quia sigillum, &c.
vobis inde mittimus. Teste * Comite decimo octavo die Novembris anno
regni nostri primo.

1. c. Comite
Cestrie, his
Protector in
his nonage.

Claus. 2 H. 3.
M. 6. Dorf.
N. 144.

Rex Vicecomiti Cantabz. salutem. Precipimus tibi quod sine di-
lutione clamari facias per totam Ballibam tuam quod omnes Cle-
rici qui fuerunt excommunicati, eo quod adhererunt Lodowico vel eius
fautoribus nec adhuc sunt absoluti exeant a regno nostro ante medium
Quadagesime instantem anno regni nostri secundo. Et quicumque tal-
is inventus fuerit post terminum predictum in Anglia, capietur. Quo-
cumque autem Clericos inveneris in balliba tua post eandem termi-
num inter excommunicatos permanentes, occasione predicta Capias &
salvo Custodias donec aliud inde preceperimus. Quia, &c. Teste Comite
apud Stok decimo octavo die Februarii.

Claus. 1. H. 3.
M. 6. Dorf.
N. 145.

Rex Vicecomiti Eborum salutem. Mittimus tibi Cartas de liber-
tatibus concessis omnibus de regno nostro tam de foresta quam aliis
Pendantibus quatinus eas facias publice in pleno Comitatu tuo convocatis
Baronibus, Mililibus et Omnibus Libere Tenentibus ejusdem Com-
itatus qui ibidem jurent fidelitatem nostram et tu diligenter attendens
singula puncta Cartarum ea per omnia facias jurari et observari, et id
maxime quod in fine Bagne Carte appositum est, de Castis adulteri-
nis que ab initio guerre constructa fuerunt vel reedificata diruendis
omni occasione postposita fieri facias secundum quod continetur in ea-
dem Carta quia id per consilium Domini Legati et fidelium nostrorum
provisum fuit et in Carta positum ad maximam utilitatem et tranquil-
litatem nostram, et regni nostri. Quia vero, &c. Teste Comite apud
Sturnir. vicefimo secundo die Februarii.

Henricus

Henricus dei gratia Rex Anglie, &c. Omnibus his literis inspe-
ctis salutem. Sciatis quod provisum est per commune consilium
Regni nostri quod nulla Carta nulle litere patentes, de confirmatione,
alienatione, venitione, vel donatione seu de aliqua re que cedere possit
in perpetuitatem sigillentur magno sigillo nostro usque ad etatem no-
stram completam Cestrus Glaghe titulo sancti Martini presbitero
Cardinale, et Apostolice Sedis Legato, Domino S. Cantuariensi Archie-
piscopo Domino Waltero Eborum Archiepiscopo Willelmo Marecallo
Comite Pembrochie Huberto de Burgo Justiciario nostro Anglie coram
W. London. P. Winton. R. Dunolm. I. Bathon et Glaston. H.
Lincoln. S. Exon. W. Coventr. R. Sarresbir. B. Roffen H. Heref.
R. Cicestr. W. Wigorn Episcopis, H. Carleolens. Electo H. Abbate
sancti Edmundi. W. Abbate Westm. A. Abbate sancti Augustini
Cantuar. W. Abbate de Sancto Albano. R. Abbate de Burgo H.
Abbate de Rameley. R. Abbate de Bello. R. Abbate de Waltham
et. S. Abbate Radig. W. Comite Sarum. S. Comite Waren. W.
Comite Arundell. O. Comite Glouc. H. Comite Heref. W. Comite
Albemarle. W. Comite Essex. R. Comite Oxon. H. filio Comitis,
Roberto filio Walteri, Roberto de Ros, Galfrido de Say, Willelmo
Bilwer, Petro filio Hereberti, Petro de Maulay. W. Marecallo juni-
ore, Willelmo de Cantilupo, Fawx de Breant, Willelmo de Hunting-
feld, Roberto de Gardina, Johanne Marecallo, Willelmo de Albiniaco,
Willelmo de Bello Campo. Provisum est etiam per commune consi-
lium regni nostri et coram predictis omnibus, quod si aliqua Carta vel
alique litere patentes facte secundum aliquam predictarum formarum
sigillate, inveniantur predicto sigillo, irritae habeantur & inanes. Te-
stibus prenominationis et multis aliis.

Pat. 3. H. 3.
M. 6.
N. 146.

Omnibus ad quos presens Carta pervenerit Universis Civitatis
London salutem Sciatis nos recepisse in custodiam Donum nostrum
Henrico filio Regis Anglie filio Regis Johannis Laurentium filium
Willelmi filii
Willelmi filii Henrici de Sancto Albano Johan-
nem filium Ricardi Reniger Alexandrum filium Warini filii Nicholai,
Nicholaum filium Johannis Travers. Rogerum filium uxoris Anulsi
filii Anulsi, Radulphum filium Walteri nepotem Roberti filii Julii Ri-
cardum filium Gisleberti le Bachelet Johannem nepotem Thome filii Ri-
cardi Johannem filium Ricardi le Alier, Henricum nepotem Radulphi
Srebrand Johannem filium Petri filii Danielis, Edmundum nepotem
Stephani filii Andree, Cervasium filium Hereberti de Oxon Wil-
lielmum filium Toroldi nepotem Roberti Hardell Rogerum filium
Roberti filii Johannis, Rogerum filium Ricardi filii Johannis Ri-
cardum nepotem Willelmi Herlicum Johannem filium Johannis
Herlicum, Thomam filium Constantini junioris Petrum filium Wil-
lielmi de Basing, Walterum filium Henrici de Edelmeton, Ricar-
dum nepotem Willelmi de Exon; Willelmum filium Radulphi
de Hoiland Thomam filium Willelmi de Frowic. Bartholomeum fi-
lium filie Roberti filii Simonis, Jacobum filium uxoris Bartholomei
filii Roefii, Johannem filium Ricardi le Gras, Willelmum nepotem
Rogeri le Burfer, Odonem filium Radulphi nepotem Stephani de Bo-
mine

Claus. 7. H. 3.
M. 14. Dorf.
N. 147.

Y

mine Johannem nepotem Philippi Waleran qui ipsi Domino Regi liberabatur in obsides pro pace Civitatis London conservanda et pro fide-
li servicio nostro. Ita quod eisdem obsides si vivi fuerint Domino
Regi vel Justiciario suo reddemus ad summonitionem ipsius Domini Re-
gis vel Justiciarii sui & pro eis si qui forte mortui fuerint alios sufficien-
tes loco eorum & etiam plures obsides si dominus Rex vel Justiciarius
suis voluerit ipsi domino Regi vel Justiciario suo sine contradictione
habere faciemus ad summonitionem suam predicto modo. In cujus rei
testimonium hanc Cartam communi sigillo Civitatis London sigillatam
ipsi Domino Regi fieri faciemus.

Pat. 7. H. 3.
M. 5.
N. 148.

R Ex omnibus Ballivis & fidelibus suis ad quos presentes littere per-
venerint salutem. Sciatis quod concessimus & commissimus di-
lecto & fideli Civi nostro Willielmo Jonner Chamberlariam no-
stram London cum omnibus pertinentiis suis. Habendam & tenendam
a festo Anuntiationis beate Marie anno regni nostri septimo usque in
duos annos completos pro centum libris nobis per annum ad Scaccari-
um nostrum reddendis. Salva nobis passa nostra Gisti Operis, Cere,
& pannorum sericorum per marium suam nobis liberanda ad opus no-
strum. Et in huius &c. Teste H. &c. apud Westm. vicesimo nono die
Januarii Anno Regni nostro Septimo.

Claus. 7. H. 3.
M. 14. Dorf.
N. 149.

R Ex Vicecomiti Suffex salutem. Precipimus tibi quod diligenter
inquiri facias in pleno Comitatu tuo per sacramentum duodecim
de legalioribus & discretioribus Militibus Comitatus tui per quos rei
veritas melius sciri poterit quas consuetudines & quas libertates Do-
minus Johannes Rex pater noster habuit in balliva tua die qua guerra in-
cepit inter ipsum & Barones suos Anglie de terris & forellis & aliis
infra Burgos & extra & quas consuetudines & libertates ipsum
Regem patrem nostrum tunc habuisse didiceris per inquisitionem predi-
ctam clamari & firmiter nobis observari facias in Comitatu tuo & in-
quisitionem illam & nomina inquisitorum nobis scire facias apud West-
monasterium in Crastino Clausi Pasche distincte & aperte sub sigillo tuo
& sigillis eorum per quos inquisitio illa facta fuerit, et haberi ibi hoc
breve. Teste H. &c. apud Westmonasterium tricesimo die Januarii.

Pat.

Pat. 9 H. 3. M. 7. Dorso.

R Ex Willielmo Bassiet, Radulpho de Crumbwell, Willielmo de
Vernun, Thome Tufchet, Henrico de Derlegh Canonico Sunwell
et Roberto de Lee Clericis salutem. Assignavimus vos Justiciarios no-
stros ad quintam decimam omnium mobilium assidendam et colligendam
ad opus nostrum in Comitatibus Nottingham et Dereby in hac forma. Vice-
comes noster Nottingham et Dereby coram vobis venire faciet omnes Mi-
lites Comitatum suorum die Dominica proxima ante mediam quadra-
gesimam apud Nottingham ad quem diem eligi facietis quatuor legales
Milites de singulis Hundredis vel Wapentacis vel plures vel pauciores
secundum magnitudinem Hundredorum vel Wapentaciorum ituros per
singulos Hundredos vel Wapentachas ad assidendam et colligendam quin-
tam decimam omnium mobilium predictorum; exceptis tamen ab hac quin-
ta decima quantum ad Archiepiscopos, Episcopos, Abbates, Priores et
ceteros viros religionis Comites Barones Milites et liberos homines qui
non sunt Mercatores omnimodis libris suis & ornamentis Ecclesia-
rum et Capellarum et equis ad equitandum & equis caretariis &
summaris & armis omnimodis Jocalibus vestis utensilibus Lar-
dariis Cellariis & senis & exceptis bladis ad Marnisuram Castro-
rum emptis; exceptis etiam ab hac quinta decima quantum ad Merca-
tores qui de omnibus Mercandisiis et mobilibus suis quintam decimam da-
bunt, armis ad que jurati sunt et equis suis ad equitandum et Utens-
ilibus domorum suarum Cellariis et Lardariis ad Victum suum Exceptis;
etiam quantum ad Villanos armis ad que jurati sunt et Utensili-
bus suis Carne et pisce et potu suo que non sunt ad vendendum
et senis suis et furragio suo que non sunt ad vendendum Milites
autem illi non ibunt in Hundredos vel Wapentacos in quibus
sunt residentes; Set in Hundredos vel Wapentacos vicinos alios
Jurabit autem Unusquisque exceptis Comitibus Baronibus & Mi-
litibus propriorum mobilium suorum & similiter mobilium duo-
rum Vicinorum suorum propinquorum numerum quantitatem et
valorem. Et si forte inter ipsum cujus mobilia sunt & vicinos suos
juratos de eisdem mobilibus dissensio ex hoc orta fuerit Milites ipsi per
Sacramentum duodecim proborum et legalium hominum vicinorum
vel totidem quot sufficere Viderint ad veritatem inde inquirendam
Veritatem inquirent & secundum illam veritatem quintam decimam capi-
ant; Servientes vero et prepositi de terris Comitum Baronum &
Militum vel prepositi tantum si servientes ibi non fuerint, idem &
eodem modo jurabunt de mobilibus Dominorum suorum in Singulis
Villis Medietas autem huiusmodi quinte decime perpacabunt ad fe-
stum Sancte Trinitatis Anno nono & alia Medietas ad festum Sancti
Mich. proximo sequens quam quidem quintam decimam Milites illi re-
cipient per manus quatuor legalium hominum & prepositorum singu-
larum Villarum per tallias inter eos inde factas; & sic receptam ferent ad
nos, & vos eam reponetis in loco tuto sive in Ecclesia cathedrali sive in Ab-
batia sive in Prioratu ejusdem Comitatus sub sigillis vestris et sigillis Dot-
litum donec provisum fuerit quo mitti debeat. Reddunt autem vobis Mi-
lites illi statim ex quo quinta decima fuerit assisa scripta & Rotulos suos in-
de factos reservatis sibi eorum transcriptis vos vero reservabitis vobismet
aliquas

Forma quinte
decime assi-
dende & colligende.
N. 150.

aliquas p rtes Com. predictorum in quibus hec exequamini in propriis personis vestris quamdiu opus fuerit Quatuor vero Milites illi vel plures vel pauciores electi coram v his sicut predictum est jurabunt tactis Sacrosanctis coram vobis quod hec omnia exequantur fideliter & diligenter & quod nec pro amore vel odio vel pro aliqua re in mundo hoc facere omittent vos autem iurabitis coram Vicecomite & Militibus congregatis ad diem illum quod hanc formam per omnia persiciatis per vos & alios sic i predictum est fideliter & diligenter pro posse vestro si quis vero ex vobis sive sit Clericus sive sit laicus hiis interesse non possit propter causam manifestam rationabilem & necessariam residui vestrum potestatem habeatis adhibendi vobis loco ejus alium ad hoc utilem qui idem juramentum faciat quod vos feceritis de hiis fideliter una vobiscum exequendis Idem autem faciatis de feodis Archiepiscoporum Episcoporum Abbatum Priorum & aliorum Virorum religionis exceptis eorum Dominicis & Villanis suis propriis de quibus Archiepiscopi & Episcopi quintam Decimam assideri & colligi faciunt in forma predicta & per manum suam nobis inde respondebunt ad eosdem terminos & ideo vobis mandamus firmiter injungentes in fide qua nobis tenemini quatinus ad hec fideliter exequenda sicut superius scriptum est curam & operam apponatis efficacem Teste Rege apud Westmonasterium Decimo quinto die Februarii.

Robertus de Lexinton postea assignatus fuit eis Socius qui primo assignatus fuit in Comitatu Lincolnie.

Thoms. de Muleton
Alex. de Pointon
Simon de Roppely
Johan. Coleman
Johan. de Colomer
Martinus de Cybecay } Clerici.

die Dominica ante mediam quadragesimam apud Lincoln.

Willielmus de Ralegh assignatus fuit eis Socius per Literas Domini Regis Patentes ipsi Justiciariis transmissas.

Walterus de Mussegros
Will. fil. Warini
Nich. de Seculer
Rich. fil. Fulconis
Willielmus le Poer Clericus

ad eund. terminum apud Hereford.

Decanus Hereford postea assignatus fuit.

Galsfr. le Salvage
Hugo le Droys
Rog. de Dancreffia
Ric. de Cardinul
Mich. persona d. Culestan.
Robertus de Laimton Clericus

ad eundem terminum apud Wilton.

Simon de Ethingeham
Petrus de Scoteny
Willielmus de Alta Ripa
Magr. Jocelinus de Alta Ripa Clericus

ad eund. terminum apud Lewes.

Thomas

Thomas de Hertford postea assignatus fuit eis Socius per literas Domini Regis eis directas.

Gilebertus de Hendon.
Henr. Encointe
Thom. de la Wike

} ad eund. terminum apud Westminter.

Mandatum est Militibus libere tenentibus et aliis de honore Wallingford in Com. Middl. quod eis intendentes sint et respondentes ad quintam decimam omnium mobilium assidendam et colligendam non obstante precepto quod Dominus Rex eis fecit ut essent intendentes et respondentes Ballivo Honoris Wallingford.

Will. de Martiwasf
Henr. de Segrave
Will. de Hardredehill
Rad. Pincerna
Magr. Eustachius de Chestreton

} ad eund. terminum apud Coventry de Com. Warwic. et quarta die sequenti apud Leicester de Com. illo.

Walterus de Preston. Magister Willielmus de Tornour. assignati sunt postea Socii per literas Domini Regis, &c.

Walterus le Poer
Henricus Limet
Eudo de Bello Campo
Will. de Millay Clericus

} ad eundem terminum apud Wigorniam.

Alfredus de Lincoln.
Willielmus le Waleis
Henr. de Lidinton.

} ad eundem terminum apud Dorchester.

Ph. de Wimburn. Clericus

Hugo persona de Waya assignatus est eis Socius, &c.

Will. de Albrincis
Henr. de Cobbehams
Henr. de Sandwic.
Robertus de Aubervill
Jacobus le Salvage Clericus

} ad eund. terminum apud Cantuariam.

Thomas de Bendeng postea assignatus fuit eis Socius, &c.

Mich. de Muntiny
Ric. fil. Simons
Adam fil. Willielmi
Hugo de Claball
Alex. de Lislebiry
Ric. de Stapelford

} ad eundem terminum apud Chelmsford de Com. illo; et quarta die apud Hertford de Com. illo.

Clerici.

Willielmus

Willielmus Brita postea assignatus fuit, &c.

Will. Pantulf
Vivianus le Ruschal
Henr. de Danton
Thom. Mauduit
Galfr. Griffin
Ric. de Stanchy } Clerici.

ad eundem terminum apud Staf-
ford de Com. illo et quarto
die apud Salop de Com. il-
lo.

A

Jordanus la Warre
Osbertus de Abbetot in Wigorn.
Rad. Musard cum aliis in Bristol.
Johannes de Baalun.
Ric. de Pein.
Ph. de Tudinson Clericus

ad eundem terminum apud Glou-
cester.

B

Robertus de Munsforret Ric. de Sancto Falero Clerici postea assign. fue-
runt Socii in Com. Gloucester per literas, &c.

Will. de Sorewell
Walt. de Rumes
Reg. de Baalun.
Adam de Portesya
Johannes le For Clericus

ad eundem terminum apud Win-
ton.

C

Gilbertus de Abbingwuth
Will. Haunsard
Magr. Philippus de Hamme
Clericus

ad eund. terminum apud Kinge-
ston.

D

Robertus de Den postea assignatus fuit eis Socius, &c.

Oliuvers de Vallibus
Hugo Ruffus
Willielmus Blundus
Fulco Bainard
Willielmus de Griston
Gumericus Senescat
Johannes de Wurchefted
Nich. Duket } Clerici.

ad eundem terminum apud Nor-
wic. de Com. illo quarta die
apud Gipestwic. de Com. illo
et apud Gatseshall. de libertate
Sancti Edmundi sexta die post
Gipestwic.

E

Thomas de Blunvill assignatus est eis socius postea, &c.

Rex Constabular. Cestria Salutem Scias quod assignavimus te unum cum Ro-
berto de Ros Adam de Nova Mercata Johanne de Birelre Nicholao Wast
Willielmo de Tameton & Magistro Waltero de Tany & Magistro Alexan-
dro de Bayeux Clericis Justiciarium nostrum ad quintam decimam omnium
mobiliu assignandam & colligendam ad opus nostrum in Comitatu Eborum
Secundum formam literarum nostrarum patentium tibi & illis communitur
directarum quas Vicecomes noster Eborum tibi & illis liberabit ex parte no-
stra in Crastino medie quadragesime apud Eborum & ideo vobis manda-
mus firmiter precipientes quatinus ad diem & locum predictos omni occa-
sione & dilacione postpositis sicut vos ipsos & nos & indemnitatem vestram
diligitis

F

diligitis predictis Roberto, Ade, Johanni, Nicholao, Will. & Magistris Wal-
tero, & Alexandro, quibus idem mandavimus occurratis ad exequendum mun-
cium illis ea que in literis illis patentibus audieritis contineri Teste Rege apud
Westminster xviii die Febr.

Rex Vicecom. Essex & Hertf. Salutem assignavimus Simonem fil. Ri-
chardi, Henr. fil. Ancheri, Hugonem de Claball, Alexandrum de Littlebiry, &
Ricardum de Stapelford Clericum, Justic. nostros ad quintam decimam om-
nium mobiliu assignandam & colligendam ad opus nostrum in Comitatu
tuis Secundum formam literarum nostrarum patentium quas tibi mittimus
illis porrigendas ex parte nostra apud Chelmsford ita quod ibi de illo in-
cipiant de Comitatu Essex, & quarto die proxime sequenti apud Hertford,
de Comitatu Hertford quorum & singulis ut ad dies & loca predicta con-
venient literas nostras clausas per te duximus transmittendas, & ideo tibi
precipimus quod sub omni festinatione literis nostris singulis eorum trans-
mitti facias reservatis tibi literis nostris patentibus quas illis porrigas ex
parte nostra apud Chelmsford ad primum diem ad quem diem illuc co-
ram eis venire facias omnes Milites Comitatus Essex & quarto die scil.
apud Hertford omnes Milites de Comitatu Hertford taliter igitur te in-
de intromittas ne pro defectu eorum ea que ad te pertinent in hac parte
ad te nos capere debeamus Teste ut supra. Dominus Rex constituit Magi-
strum Nicholaum de Framelingham Justiciarium, & adhibuit Socium Justi-
ciarum in Com. Norff. & Suff. ad quintam decimam assignandam & colligendam
loco Thome de Blunvill. & Mandatum est ipsis Justiciariis quod
loco ipsius Thome ipsum Magistrum Nicholaum tamquam adhibitum ad hoc
eis socium admittant Teste Rege apud Windlesores Primo die Aprile.

Et mandatum est eidem Magistro Nicho. quod cum aliis Justic. ad
hoc intendat.

Eodem modo Scribitur Justiciariis in Comitatu Surr. de Will. Han-
sart in forma quod loco ejus admittant Johannem de Chesham tamquam,
&c. Teste ut supra.

Et mandatum est eidem Johanni de Chesham quod ad hoc cum illis
intendant. Teste ut supra.

Ric. de Bainuill
Hen. de Evesy
Will. de Wichenton
Senescallus Abbatis Ramesey
Walterus fil. Bern. Clericus

ad eundem terminum videlicet
die Dominica ante mediam
quadragesimam apud Cante-
brigiam de Com. illo et quarto
die apud Huntind. de Com. illo.

E

Magister Willielmus de Banco assignatus fuit eis Socius.

Robertus de Salceto
David de Esseby
Mauric. de Aundely
Thomas de Haddon Clericus

ad eundem terminum apud Nor-
hamptom

F

Magister Nicholaus Belet postea assignatus fuit eis Socius per literas
Domini Regis eis inde directas.

Walterus

Walterus Foliot
Alanus de Englesfeld
Johannes de Sancta Helena
Johannes de Wigenholt Clericus

ad eundem terminum apud Walingesford.

Petrus de Abbendon postea assignatus fuit eis Socius.

Mandatum est eisdem Justiciariis quod Dominus Rex vult quod R. Sarr. Episcopus assideat et colligat quintam decimam de mobilibus suis et hominum suorum qui non tenent per Servitium Militare et de mobilibus Abbatum Priorum et aliorum Virorum religiosorum et hominum suorum qui non tenent per Servitium Militare.

Willielmus Biann
Johannes fil. Richardi
Warinus fil. Joel
Rog. Everard Clericus

ad mediam quadragesimam apud Bomme.

Simon fil. Ric. Clericus postea assignatus fuit eis Socius.

Thomas fil. Johannis
Rad. de Aencurt
Gervasius de Erthal Clericus

in Crastino medie quadragesime apud Appelby.

Robertus de Ros } tanquam
J. Constab. Cestrie } superiores.
Adam de novo Mercato
Johannes de Birikin
Nicholans Basset
Willielmus de Tameston
Magister Walter de Tahy } Clerici.
Magister Alex. de Baiocis }

in Crastino medie quadragesime apud Eborum.

Willielmus de Insula
Hugo de Sibtot
Robertus le Escrivienier

ad eundem terminum apud Ocham.

Johannes de Remy
Jordanus Oliver
Mathew de Chiverdin
Jacobus de Ernesthull
Will. de Sour Clericus
Rad. de Lidhard Clericus

ad mediam quadragesimam apud Ivekester.

Roger de Merlay
Roger Bertram
Nicholans de Hadham Clericus

in Crastino medie quadragesime apud novum Castrum super Tynam.

Willielmus Pincerna
Willielmus Blundell
Galfr. Balistarius
Jordanus de Cestr. Clericus

in Crastino medie quadragesime apud Lancaster.

Will.

Will. de Bello Campo
Henr. de Braibroc
Rad. Hareg
Richardus de Stok
Hugo de Bathon. Clericus

ad eundem terminum apud Ellesbiry de Com. Baking. et quarta die apud Bedesford de Com. illo.

A Nicholans de Nivill qui postea assignatus fuit eis Socius per literas patentes eis inde directas.

Walterus de Verdun
Robertus de Avinay
Will. fil. Elye
Ph. Clericus Richardi de Riviis

ad eundem terminum apud Oxon.

B Thom. de Grana per literas Domini Regis altis directas.

Henr. de Trasfy
Will. Painel
Hugo Pevel de Sandford
Hugo Pevel de Erminum
Rogerus Cole Clericus

ad eund. terminum apud Exon. Scil. ad mediam quadragesimam.

C Radulphus de la Ferte
Juo de veteri Ponte
Gilebert de la Ferte Clericus

ad eund. terminum ap. Carleol. in Crastino medie quadragesime.

D Et Alex. de Dorset & Robertus de Kancia postea assignati sunt eis Socii per literas Domini Regis Patentes predictas Ade de Novo mercato & Sociis suis directas in quibus literis Robertus de Ros & Constabularius Cestrie positi non fuerunt Set ipsi habuerunt literas per se hoc adjecto in literis suis quod cum pred. Justiciariis superiores sint constituti idem Dominus Rex adduxit significandum ut sic fieri faciant.

E Mandatum fuit Justic. Berkes quod se non intromittant de Villanis vel liberis hominibus Abbatis de Bello loco, de Magna & parva Farendon Magna & parva Cokewell, Sulton, Englesham & Langeford Quia Dominus Rex assignavit Magistrum Nigellum Bonva. ad quintam decimam ibidem assidendam & colligendam sicut predictum est. Teste Rege. apud Farenham Octavo Die Martii.

Eodem modo Scribitur Archiepiscopo Eborum Episcopo Lincoln & Officiali Norwic & Karleol. quod quinta decima assideatur & colligatur de dominicis ordinis de Simplingeham & hominum suorum in Diocesi sua.

F Johannes de Heriet Attornatus est ad assidendam & colligendam quintam decimam omnium mobilium unacum Ballivis Episcopi Winton. de Dominicis & Villanis ipsius Episcopi Propriis & de dominicis Prioris Sancti Swithuni Winton & Villanis suis propriis & de Dominicis & Villanis Abbatis Sancte Marie Winton. habet literas directas Episcopo Winton.

Z.

Galfridus

Gilfridus de Say Clericus Attornatus est eodem modo de Dominiciis & Willanis Abbatibus sancti Albani & de Dominiciis & Willanis Prioratibus de Hertford de Hathersfield de Lannur de Bello loco pertinentium ad eandem Abbatiam habet literas directas Episcopi Lincoln & London.

Richardus de Naffreton Clericus de Dominiciis & Willanis Prioratus de Tinemwe habet literas directas Episcopo Dunelm.

Alex. de Winton de Dominiciis & Willanis Prioratus de Binham & de Wimundeham habet literas directas Officiali Norwic.

quod se inde non intro-
mittant.

Rex Vicecomiti Cantuar. Salutem Sciatis quod Archiepiscopi, Episcopi, Abbates, Priores, & Clerici terras habentes quas ad Ecclesias suas non pertinent, Comites, Barones, Milites, liberi homines, & Villani de Regno nostro, concesserunt nobis in auxilium quadragessimam partem omnium Mobilium suorum apparentium, sicut ea habuerunt in Crastino Sancti Bartholaei Apostoli Anno Regni nostri decimo sexto, videlicet de bladis, carucis, ovibus, vacca, porcis, haraciis, equis Carectariis, deputatis ad Mannagiam in maneriis, exceptis hominibus, quae predicti Archiepiscopi, Episcopi & aliae personae Ecclesiasticae habent de Ecclesiis parochialibus, sibi appropriatis, & de Ecclesiis prebendis, & de prebendis, & de terris ad prebendas & Ecclesiis parochiales spectantibus; prohibimur autem generatim ad predictis fidelibus nostris quod predicta quadragesima hoc modo assideatur, & colligatur; videlicet quod de qualibet villa integra eligantur quatuor de melioribus, & Legalibus hominibus, una cum praepositis singularum villarum per quorum Sacramentum quadragesima pars omnium Mobilium predictorum taxetur, & assideatur super singulis in presentia Militum assessorum ad hoc assignatorum, & processa per Sacramentum duorum legalium hominum eandem villam inquiratur, & assideatur quadragesima bonorum Mobilium quae predicti quatuor, & praepositi habent; & distinge & aperte inbredivit; de cuius vel quorum Baroniam, vel libertate quilibet villa fuerit, in parte vel in toto, & postquam quadragesima fuerit assisa, & in Scriptum redacta, rotulus omnium particularum de singulis Villis, & singulis Comitatus, liberetur Seneschallo singulorum Baronum vel Attornato ipsius Seneschalli, vel Ballivo Libertatis, ubi aliquis libertatem habuerit, si Bato vel Dominus Libertatis velit & possit dictam quadragessimam colligere, & pro ea habenda distringere; si vero nolit vel non possit, Vicecomites districtionem predictam faciant, ita quod nihil inde recipiant, sed tota predicta quadragesima liberetur predictis Militibus assessoribus, in maiori & securiori villa singulorum Comitatum, & de qualibet villa fiat summa tallia inter Seneschallum Baronis, vel eius Attornatum, vel Seneschallum Domini Libertatis, & predictos Assessores & deponetur pecunia per eundem Assessores in aliquo loco tutiori ejusdem ville, ita quod Assessores habeant sigilla sua & seras & claves suas, super pecuniam predictam; Et Vicecomites sigilla sua et seras, & Claves suas similiter, & Assessores statim ex quo quadragesima assisa fuerit per ipsos, mittent rotu-

los suos de toto itinere suo ad Staccatum, & similiter ex quo dicta pecunia ab eis Collecta fuerit, mittent rotulos suos de recepta sua, & predicta pecunia reservetur in locis ubi deposita fuerit, donec ad mandatum nostrum deferatur usque ad novum Templum London: nichil vero capietur ab aliquo nomine quadragessimae, qui non habuerint de huiusmodi bonis mobilibus ad valentiam quadraginta denariorum ad minus; ad predictam siquidem quadragessimam assidentem & Colligendam in Comitatu tuo modo predicto, assignabimus dilectos & fideles nostros Thomam de Camuill, Reginaldum de Cornhill, Robertum de Rokell, & Simonem de Crape per literas speciales, loco aliorum, quos statim visis literis istis sine dilatione coram te venire facias ad audiendum preceptum nostrum; quibus incontinenti porrigas literas nostras patentes eis inde directas, quas tibi mittimus eis porrigendas: Tu vero certis diebus & locis quos ipsi tunc providerint commodiores, venire facias coram eis singulas villas Comitatus tui ad hoc diligenter exequenda, ita quod ad negotium illud incipiat ad ultimum a die Sancti Michaelis intres septimanas & sic de die in diem continetur quousque perficiatur & saliter, & ita diligenter te cures intramittere, in his quae ad te pertinet in predicto negotio, ad mandatum ipsorum Assessorum ne pro defectu tui dilationem capias, pro quo ad te & tua, nos capere debeamus. Teste meipso apud Westminster Vicefimo octavo die Septembris.

Notum sit omnibus Christi fidelibus, quod cum Dominus Henricus Rex Angliae mandatum Domini Papae suscepisset, super transgressionibus Ecclesiae Romanae, & Clericis Italianis, & aliis in regno Angliae contra pacem suam, illatis, corrigendis; Idem Dominus Rex hoc sicut decuit, emendando, a pluribus fide dignis didicisset, quod per Hubertum de Burgo quondam Iusticiarium Angliae, videlicet tempore predictae transgressionis, facta fuerint transgressiones illae: Et Dominus Rex volens hoc emendare, iussit quosdam de suis, ut corpus suum arestarent, & coram eo adducerent, responsum de transgressionibus illis, & aliis transgressionibus & praeteritis de transgressionibus illis. Qui Hubertus inde praemunitus fugit in quandam Capellam, a qua ipsius sequentes licet hoc eis non esset in iunctum, tamen Dominum Regem, extraxerunt & London adduxerunt, quod cum Dominus Rex audivisset, ut libertas Ecclesiae, in omnibus observaretur illa, ipsum ad eandem Capellam reduci precepit, & in eadem salvo reponi. In qua cum per dies plures moram fecisset, requisivit utrum vellet tenere se in Capella illa, vel exire, & stare iudicio Curiae Domini Regis, super transgressionibus predictis, & super aliis quae ei ibidem obicerentur, tam a Domino Rege, quam a pluribus aliis de eo multis modis conquirentibus; Tandem sponte elegit quod exire voluit, ad standum iuri. Tamen petiit misericordiam Domini Regis & sic exivit, & Ballivi Domini Regis qui tunc praesentes erant ipsum receperunt, & London duxerunt & tradiderunt eum Constabulario Turris, & cum Dominus Rex adhuc esset incertus utrum spontanea voluntate, an coactus exivisset, misit ad eum Nobiles viros Dominum Stephanum de Sedgrave, tunc Iusticiarium Angliae, Johannem de Lacy Comitem Lincolniae, & Constabularium Cestriae, Ricardum de Insula, & alios viros idoneos Clericos & laicos, quibus ad ipsius venientibus, & ipsum inde alloquentibus, respondit quod gratia extorceret, & non coactus, nec pro aliquo defectu victualium, vel alio-

Pat. 17. H. 3.
M. 9. Dorf.
N. 152.

Cl. 16. H. 3.
M. 2. Dorf.
N. 151.
* That is, the Great Men gave for their Villans, Ruffics or ordinary Tenents, See Cl. 21. H. 3. M. 7. Dorf. here in Appendix. N. 159.

* These praepositi or Reves are called Ballivi in Cl. 21. H. 3. M. 7. Dorf. here in Appendix. N. 159.

rum, & tali modo exiit, ad faciendum voluntatem Domini Regis, de terris suis, & catallis & de corpore suo, & pigebat eum quod tam diu moram ibidem fecerat. Postea vero cum Dominus Rex nichil adhuc ei inde concederet, eo quod multi de eo, de novo conquesti fuerunt, tam de morte hominum, quam de multis per eum injuste exheredatis, & aliis pluribus criminibus, & transgressionibus, volens de eo conquerentibus justiciam exhibere, præcepit eum deliberari a custodia prædicti Constabularii, ut libere venire possit ad curiam suam, conquerentibus de eo tam Domino Regi, pro transgressionibus contra Dominum Papam quam contra se ipsum, & omnibus aliis responsurus, & sic venit apud Cornhill in London Vigilia Sancti Martini, & comparuit coram Dominis Richardo Comite Cornubiæ & Herebaria, Willielmo Comite Warrenna, Richardo Marefchallo, Comite Pembrot, Johanne Comite Lincolnia, & Constabulario Cestria, Stephano de Segrave Justiciario, Radulfo filio Nicholai, & aliis fidelibus Domini Regis ibidem existentibus. Et cum ibidem coram eisdem accusaretur de omnibus prædictis, nichil defendens, respondit sicut prius, quod nullo modo voluit subire iudicium, set simpliciter & de toto posuit se in voluntatem Domini Regis tam de corpore, quam de terris, & omnibus aliis rebus. Tandem Dominus Rex pietate motus, ad instantiam Magnatum Angliæ, & ad petitionem ipsius Huberti, & suorum parentum, & amicorum, & similiter de permissione conquerentium, Iudicium posuit in respectu, licet iudicium jam in eadem Curia Domini Regis formatum esset, per quod ipse & sui attendentes corporis sui periculum imminere, & exheredationem heredum suorum, spontanea voluntate concessit provisionem subscriptam; scilicet quod omnes terræ, & omnia tenementa, & libertates, in omnibus rebus, quæ teneant de Domino Rege in Capite, & de Domino Johanne Rege patre suo, remaneant Domino Regi, quiete, in perpetuum, & hæredibus suis tam de Wardis & Ballivis, quam de aliis rebus, & omnes cartas, & chirographa, & instrumenta, quæ habuit de prædictis, reddidit Domino Regi, & concessit quod aliqua in posterum, inveniantur, in consuecendis manibus fuerint, pro nullis habeantur; & Dominus Rex de gratia sua concessit quod ipse Hubertus & hæredes sui habeant & retineant terras, & tenementa, quæ eidem Huberto descenderant ab antecessoribus suis, & similiter omnes terras & tenementa quæ tenuit de aliis, & de alterius dono, quam de dono Regum. Ita tamen quod omnibus inde conquerentibus secundum consuetudinem regni, sine dilatione ipse & sui respondeant; & omnia alia catalla ubicumque sunt, remaneant Domino Regi, tam in auro & argento, quam in denariis, & aliis mobilibus, & corpus suum remaneat apud Castrum Durburum & in custodia Dominorum Ricardi Comitis Cornubiæ & Herebaria, Willielmi Comitis Warrenna, Ricardi Marefchalli, Comitis Pembrot, & Johanne Comitis Lincolnia, & Constabularii Cestria, donec habitum Templariorum susceperit, quem prius petierat quod modo facere non potest, quia uxoratus est, vel donec per commune consilium Domini Regis, & omnium prædictorum Baronum Custodum, necnon & aliorum magnatum terræ, liberatus fuerit; de quibus si aliquem morti contingat, illi qui residui erunt affluent sibi alium loco ipsius defuncti, quem voluerint, qui custos cum eis existat, sicut ille fuit qui defunctus fuerit, & liceat eidem Huberto dum fuerit in prisona, si quam terram tenuerit injuste, illam reddere, si voluerit, non obstante eo quod in custodia prædictorum fuerit, & si de prisona aliquo modo exierit, nisi pro dicto habitu suscipiendo, & delictis & consensu Domini Regis & prædictorum Magnatum, vel per commune consilium Custodum

Custodum & Baronum, ut prædictum est, & vel per se, vel per alios, sive per quemcumque aliquid impetrare attemptaverit, contra prædictam provisionem, vel aliquo tempore, silem de facto, contra prædictam conventionem venerit, sive de conscientia sua impetratum fuerit, sive non, & ipse vel alius uti voluerit impetratis per quod corpus suum liberetur, tunc pronuncietur iudicium prædictum contra eum, & sit de eo sicut de utlagato, ubicumque & a quocumque inventus fuerit, & omnes terræ & omnia tenementa, quæ Dominus Rex de gratia sua ei concessit, forisfacta sint, & remaneant dominis feodorum de quibus tenuit. Salvo Domino Regi, anno suo, & Catallis. Et Dominus Rex concessit pro se & hæredibus suis, quod eidem Huberto aliam gratiam, neque crudelitatem faceret, quam prædictum est. In cuius rei testimonium Dominus Rex, & prædicti Richardus Comes Cornubiæ, & Herebaria, Willielmus Comes Warrenna, Richardus Marefchallus, Comes Pembrot, & Johannes Comes Lincolnia, & Constabularius Cestria; huc scripto sigilla sua apposuerunt, His testibus Radulfo filio Nicholai, Thoma de Muleton, Willielmo de Insula, Ricardo Duket, Adamo filio Willielmi, Willielmo de Rak, Huberto de Lexington, Radulfo de Norwico, & Civibus London, & aliis fidelibus Domini Regis ibidem existentibus.

Rex omnibus &c. Sciatis quod cum Lewelinus princeps de Abertrau & Dominus Schauwerben nobis concesserit & similiter promiserit quod stabit provisionem venerabilium Patrum Radulphi Cicerstrensis Episcopi & Cancellarii nostri, & Alexandri Coventrensis & Lychefeld Episcopi, & dilectorum & fideliū nostrorum Ricardi Marefchalli Comitis Pembrot, Johannis de Lasey Comitis Lincolnia & Constabularii Cestria, Stephani de Segrave Justiciarii nostri, Angliæ, & Radulphi filii Nicholai Seneschalli nostri, una cum Ideneber Senescalco ipsius Lewelini, & Alerrénor fratre ejus, Amano Macban, & Dabiu Clerico, quam ipsi facturi sunt super congruis emendis nobis faciendis, de omnibus excessibus nobis, & nostris, ab eo & suis factis, & de restitutione nobis & hominibus nostris facienda, de omnibus terris & possessionibus nostris, & nostrorum, per ipsum Lewelinum & Walences occupatis, occasione Werra inter nos, & ipsum notatæ, simul etiam de recipienda restitutione a nobis & nostris, de omnibus terris ipsius Lewelini & hominum suorum, per nos & nostros occupatis, occasione Werra prædictæ, & de assignanda * Dabio filio ipsius Lewelini, & Elabella uxori ejus, primogenitæ filie & hæredis Willielmi de * Bicus rationabili portione ipsam Elabellam contingente, de terris quæ fuerunt prædicti Willielmi patris sui, & de restitutione pecuniæ nobis facienda, pro prædictis excessibus congruè emendandis, & portione prædicta assignanda; provisâ tamen super hoc ab eisdem sufficiente securitate, de fideli servitio nobis præstando, & de tranquillitate nobis, & regno nostro Angliæ, observanda. Ita quod dampnum vel periculum nec nobis nec regno nostro inde possit evenire. Et si pendente provisione prædicta, aliquid de novo emerit emendandum, idem Lewelinus voluerit, & concesserit, quod per prædictos provisores emendetur. Nos provisionem eorundem quam facturi sunt super omnibus præmissis, gratam habemus, & acceptam pro nobis, & nostris, sicut præfatus Lewelinus pro se & suis. Et in hujus rei testimonium has literas patentes

Pat. 17. Hen. 3.
M. 9. n. 31.
N. 153.

* He was Son
to Lewelin,
by Elizabeth
Daughter to
Simon Mont-
fort and Eli-
enor his Wife
Sister to H. 3.
* De brasla.

patentes inde fieri fecimus. Teste me ipso apud Salop Septimo die Decembris anno regni nostri decimo Septimo.

Lewelin was Prince of North-Wales, but here called Prince of Aberfrau, and Lord of Snauden, from the places of his abode.

Pat. 17. H. 3.
M. 1.
De Justitiariis Constitutis ad abjuratorem Regni.
N. 154.

R Ex probis hominibus de Comitatu Wilts. Sciatis quod constitui-
mus Radulfum de Bray & Radulfum de Rozwico Justiciarios
nostros, ad abjuratorem regni nostri Recipiendam de Huberto de
Burgo si ecclesiam exire, & in Curia nostra iuri stare voluerit, vel
ad iustitiam ei in Curia nostra exhibendam, si ecclesiam exire, & in
Curiam nostram ad hoc intrare voluerit, secundum conventiones, inter
nos & ipsum factas. Mandamus autem vobis, quod si predictus Huber-
tus unum predictorum nec aliud facere voluerit, tunc Ecclesiam Sancti
Johannis Divisariam, in qua se tenet, & Cemiterium ejusdem eccle-
sie, cum omni diligentia custodiat, sicut ipsi vobis dicent ex parte
nostra. In cuius &c. Teste Petro Wintoniensi Episcopo apud West-
monasterium, quintodecimo die Octobris.

Cl. 18. H. 3.
M. 20. Dorf.
N. 155.
* Of which
the chief were
Water and An-
selm their Bro-
thers, Gilbert
and Philip Bas-
set, and Ri-
chard Sward.
See Cl. 18. H.
3. M. 19. Dorf.

R Ex &c. Lewelino Principi de Aberfrau Salutem. Sciatis quod
recepimus in gratiam nostram, Gilbertum Barescballum &
* omnes qui fuerunt Imprisi Richardi Barescballi, tam de Anglia quam
de Wallia qui ad pacem nostram venire voluerunt & eis reddidimus om-
nes terras & tenementa sua que de nobis tenuerunt & de quibus discessit
fuerunt occasio guerre mote inter nos & predictum Comitem & nobis
remanant quicunque super nos & nostros per dictum Comitem vel
suos imprisos occupata fuerint, que vobis duximus significanda. Volentes
quod vobis innotescant que penes nos acta sunt in hac parte. Et quia per
venerabilem patrem Edmundum Cantuariensem Archiepiscopum & Coepi-
scopos suos capti sunt treuge inter nos & vos sub firma spe tractandi de
pace inter nos & vos formanda & fortius firmanda. Mittimus propter
hoc predictum Archiepiscopum & venerabiles patres Alexandrum * Co-
ventrensem & Lychefeldensem, & Henricum Rossensem Coepiscopos suos
ad partes Marchie Ita quod erunt apud Salop die Lune in Crastino San-
cte Trinitatis & rogamus vos quatinus sicut nostram desideratis amicitiam
non omittatis quin in Crastino die Martis loco tuto & competenti quem
predictus Archiepiscopus vobis significabit ipsi Archiepiscopo & Coepiscopis
suis occurratis ad tractatum cum eis habendum super premissis. In quo-
rum etiam ore quadam que non duximus scripto commendanda posuimus
vobis plenius exponenda rogantes quatinus, sicut decet taliter ea que refor-
mationem pacis respiciunt & que ipsi plenius in hac parte vobis explicabunt
audire cum effectu & eisdem adquirere velitis quod non stet per vos quin
firmum et stabile pacis vinculum inter nos et vos roboretur ad nostrum pa-
riter et vestrum commodum et honorem. Teste Rege &c.

The Date of the next preceding Record is May 31. and the next following is Dated June the 6th.

Rex

R Ex &c. dilecto et fidei suo Richardo Comiti Cornubie et Pictavie
Salutem. Sciatis quod treuge capta sunt inter nos et Lewelinum
Principem de Aberfrau per venerabilem patrem Edmundum Cantuarien-
sem Archiepiscopum et Episcopos secum adiunctos et quosdam alios fideles
nostros propter hoc ad partes Wallie destinatos duratura. a festo Sancti
Jacobi anno regni nostri decimo octavo usque in duos annos sequentes in
hac forma quod omnes injurie et damna hinc inde facta infra ultimam
treugam captam per venerabilem Patrem Henricum Rossensem Episcopum
in media quadragesima proximo praterita per dictatores ejusdem treuge
emendabuntur, et quod omnes terra hinc inde occupata per ultimam guer-
ram motam restituentur his quibus postea sunt oblata. Homines etiam
illi qui hinc inde recesserunt a fidelitate dominorum suorum et se tene-
runt ex parte adversa libere revertantur. Ita quidem quod durantibus
treugis predictis in nullo occasionebuntur nec aliquid dampni vel mali eis
fiet occasione predicta Adjectum est etiam in eadem provisione treugarum
quod si vos et dilectus et fidei noster Radulphus de Thony volueritis sub
eisdem treugis comprehendi bene placebit eidem Lewelino. Si autem
nichilominus quo ad nos et alios fideles nostros eas firmiter observabit.
Et sub tali conditione quod si eas forte tenere non vellestis contra vos se de-
fendat. Ita quod contra ipsum et defensionem suam nullam vobis faciemus
nec facere poterimus per nos vel per aliquem de Marchia vel alium interim
consilium vel auxilium ad ipsum gravandum et taliter sunt treuge predictae
ex parte ipsius Lewelini jurate et assicurate et in adventu predicti Archie-
piscopi ad nos similiter ex parte nostra eas jurare faciemus et assicurare.
Ita ideo vobis mandamus firmiter injungentes quatinus predictis treugis
sine difficultate aliqua adquirentes eas teneatis et ex parte vestra eas teneri
faciatis. Quia modis omnibus volumus quod eas teneatis et firmiter obser-
vetis. Quid autem inde facere proposueritis aperte responsum vestrum
nobis sub estimatione scire faciatis. Teste Rege apud Westmonasterium
tricesimo die Junii.

Eodem modo scribitur Radulpho de Thony.

R Adulphus Herefordensis Episcopus, Decanus Herefordie Walterus
de Clifford et Walterus de Bello Campo iterum constituti sunt di-
catores emendarum faciendarum et recipiendarum de interceptionibus
factis ut dicitur Lewelino Principi de Aberfrau &c. et Morgano de Car-
leon quoad Castrum de Caerleon et eisdem dictatoribus associati sunt Prior
de Wenloc et Johannes extraneus et debuit convenire in crastino Clausi
Pasche apud vadum de Muntgomery ad exequendum quod priori die ad
hoc constituto d. buisset fuisse executum. Teste Rege apud Nonthampton
Sexto die Martii.

Cl. 18. H. 3.
M. 16. Dorf.
N. 157.

Rex

Pat. 20. H. 3.
M. 5.

N. 158.
* The Translation of St. Benedict the Abbat was on the 11th of July, the day of this Record.

R Ex omnibus ad quos presentes littere pervenerint. Sciatis quod concessimus bona fide et sine malo ingenio et ratas habemus et gratas trengas captas apud Theokesburiam die veneris in * festo Sancti Benedicti anno regni nostri vicesimo per venerabilem Patrem Edmundum Cantuariensem Archiepiscopum inter nos et omnes homines et imprisfos nostros apertos ex una parte & Lewelinum Principem de Abberfran & Dominum de Snaundon & omnes homines & imprisfos suos apertos tam Walefenses quam alios ex alia parte duraturas a festo Sancti Jacobi anno eodem usque in unum annum completum. Ita scilicet quod tam nos & nostri quam predictus Lewelinus & sui simus in eisdem terris & tenementis hominibus & homagiis in quibus fuimus predicto die captionis trengarum istarum. Salva Morgano de Carleon restitutione sua tam de terris quam de bonis & mobilibus suis qua Comes Gilbertus Marefchallus occupaverat super eum infra trengas alias inter nos & ipsum Lewelinum ultimo captas. Si quid autem interim fuerit forisfactum per captionem terrarum vel castrorum vel bonorum mobilium & manifestum sit de captione terrarum vel castrorum illorum, terre & castra statim reddantur non expectata aliqua correctione emendatorum trengas; sed de bonis mobilibus ita captis per ipsos correctores fiant emenda trengis nichilominus durantibus in sua firmitate in forma predicta. Ita quod hinc inde nulla namia capiantur pro aliqua interceptione facta infra trengas istas de bonis mobilibus nec pro aliqua contentione ante captionem hujus trenga orta set per ipsos correctores fiant. Nullus etiam receptet in potestate sua imprisfos alterius inde emende sicut predictum est durantibus trengis. Nullum etiam castrum novum firmetur in Marchia vel dirutum reficiatur durantibus trengis & terra sint communes secundum formam trengarum que ultimo capte fuerunt inter nos et ipsum Lewelinum. Juraverunt autem in animam nostram ex parte nostra hanc trengam bona fide et sine malo ingenio fideliter observandam usque ad predictum terminum dilecti et fideles nostri Henricus de Aldithely, Johannes LeStrange et Henricus de Stafford; In cujus &c. Teste me ipso apud Theokesburiam undecimo die Julii anno regni nostri vicesimo.

Cl. 11. Hen. 3.
M. 7. Dorf.
N. 159.

R Ex Vicecomiti Cantie Salutem. Scias quod cum in Octabis Sancti Hillarii anno &c. vicesimo primo ad mandatum nostrum convenirent apud Westmonasterium Archiepiscopi, Episcopi, Abbates, Priores, Comites et Barones totius regni nostri, et tractatum haberent nobiscum de statu nostro, et regni nostri, tunc Archiepiscopi, Episcopi, Abbates, Priores, et Clerici terras habentes que ad Ecclesias suas non pertinent, Comites, Barones, Milites, et liberi homines, pro se, et suis villanis, nobis concesserunt in auxilium treicesimam partem omnium mobilium suorum apparentium, sicut ea habebunt in Autumno in Crastino exaltationis * Sancte Crucis anno regni nostri vicesimo primo, quando blada sua fuerint coadunata, videlicet de bladis, carucis, ovibus, vaccis, porcis, haraciis, equis caretariis, affignatis ad waignagta, et alia pecoribus, et bonis; exceptis bonis que predicti Archiepiscopi Episcopi et alie persone Ecclesiastice habent in Ecclesiis parochialibus, sive prabendis, et terris ad prabendas, et Ecclesias parochiales spectantibus; exceptis argento et auro, palefridis, Summariis, dextrariis, Runcinis, armis, utensilibus, et vasis; colligendam

* That is September 14.

gendam per manus dilectorum fidelium nostrorum Rogeri de Leburn, Simonis de Crayp, Johannis de Abington, per literas Pward de Bikel, et Richardi de Handon, qui jurabunt coram te quod negotium nostrum de auxilio nostro colligendo et assidendo pro posse suo, bene et fideliter exequentur per omnia secundum suam conscientiam. Et ipsi quatuor milites et Clericus predictus, eligi facient quatuor de legalioribus hominibus de singulis villis, quos statim Handredis, in Comitatu tuo, tunc die et loco coram eis, et mandatum eorum, coram eis venire facies, qui jurabunt coram eisdem in presentia * Ballivorum de singulis villis si interesse voluerint, quod auxilium illud fideliter assidebunt, et rationabile pretium appropietantibus reddent que appropietando fuerint, secundum illius communem et justam estimationem, et valorum, amore, gratia, vel odio vel alia occasione non impediens, et postea particulas catallorum omnium, et pretium offendent quatuor militibus predictis, et Clerico, et juxta provisionem dictorum. Et tunc et Clerici, penitent illius colligendi, et ipsi Milites et Clerico deferent, et liberabunt per tallias, et totius particulas continentis rependunt in Prioratu Sancte Trinitatis Cantuariensis, et si indigerint auxilio tuo circa distributionem facienda in collectione dicta penitent, in eis auxiliando parati. Archiepiscopi vero Episcopi, Abbates, Priores, in certis suis, et libertatibus, in Comitatu tuo, per quatuor legales Milites suos, vel liberos et legales homines, si milites non habuerint, simili modo circa predictam treicesimam assidendam, et colligendam, et liberandam, quatuor predictis Milibus ad hoc attornatis procedent. Et scias quod predicti quatuor homines de singulis villis, non jurabunt de propriis catallis suis, nec eisdem pretium appropietant, sed alii quatuor homines de singulis villis ad hoc electi per milites predictos jurabunt de catallis predictorum priorum quatuor hominum, secundum formam predictam. Nullus autem pauper homo, vel mulier, aliquid ad hoc conferat, nisi habeat in bonis plurimum quadraginta denarios. Debet etiam reddere pecunia predicta, ad duas terminos, videlicet, Medietas in Crastino Sancti Andree anno &c. vicesimo secundo, et alia medietas in Crastino Sancte Trinitatis anno eodem. Tu autem in officio maxime utile consilium et edictum Militebus prebeas in predictis exequentis, quod negotium predictum ad commodam nostram, et utilitatem salubriter procedat. Non autem concessimus predictis Archiepiscopi, Episcopi, Abbates, Priores, Comitibus, Milibus, et aliis Magnatibus, regni nostri, quod tam Carta nostra de Foresta, quam alia de libertatibus, quas prius eis fieri fecimus, de cetero in omnibus teneantur. Nolumus etiam quod occasione hujusmodi auxilii sumantur de cetero occasio, vel trahatur ad consuetudinem petendi alia consilio auxilium. Incipiens hujusmodi iter predictum in Crastino exaltationis Sancte Crucis, quibus die et loco eis occurrat, ad sacramentum ab eis recipiendum, et auxilium eis impendendum, sicut tibi dixerint ex parte nostra. Teste Rege apud Westmonasterium secundo die Julii anno &c. vicesimo secundo.

A a

Articles

Articles of Accusation against Hubert de Burgh, with the Answers unto them. A.D. 1239.

Responsiones Magistri Laurentii de Sancto Albano, pro Comite Cantie Huberto de Burgo, contra quem, movit Dominus Rex graves finimas questiones.

Additament.
Mat. Paris, f.
149.
N. 160.

Cum dies datus esset Huberto de Burgo Comiti Cantie, in quibus **C**ausa Sancti Johannis Baptistae Anno regni vicesimo tertio, ad respondendum Domino Regi, quales emendas ei faceret, eo quod non delib. ravit et maritium Richardi de Clare, ad diem ab eodem Domino Regi sibi datum, secundum conventionem inter eos factam, vel secundum considerationem parium suorum, Et Dominus Rex peteret ab eo, quod ei emendas faceret, et non fecit. Proposita fuerunt ei ex parte Domini Regis, transgressionibus subscriptis, simul cum predictis, ut ad eas responderet: Ad quod respondit idem Comes, quod ad hoc nullum diem habuit. Sed et dixit, quod ad diem certum et rationabilem satisfaceret Domino Regi, vel inde staret ad considerationem parium suorum, et petiit, quod Dominus Rex in scriptis ei ostenderet, super quibus articulis teneretur respondere.

Cum hoc respondit Comes, quod ad singulos dies ei a Domino Rege datus, idem Comes venit, nec in aliquo quasivit dilationem, sed semper recepit diem ad voluntatem Domini Regis. Unde videtur ei, quod omnes dies ei dati postquam fuit apud Kenintone, pro uno die sibi debent allocari. Et semper paratus est stare ad considerationem parium suorum, quod nunquam de maritio se intramissit, nec aliquis pro eo, postquam juravit apud Gloverham quod nunquam de maritio se intramitteret, nec aliquid scivit, nec adhuc scit de Maritio, nisi per simplex dictum Comitisse uxoris suae, dicentis quod maritium illud contractum fuit apud Sanctum Eadmundum, dum Comes fuit apud Mertone. Et si hoc non sufficit, dicet aliud, et super hoc paratus est facere quod patres sui considerabunt.

E Quorum quidem primus articulus hic est, quod Dominus Rex exigit ob eo omnes exitus Regni sui, de quatuordecim annis continuo sequentibus post mortem Johannis Regis patris sui, et unde suscepit custodiam, et curam sine traditione patris sui Domini Johannis Regis, et sine assensu Domini Gualteri tunc Legati, qui de communi consensu, et provisione totius regni, post mortem Waresballi fuit primus Consiliarius et Principalis totius Regni Anglia.

F Ad hoc respondit, quod certae personae deputatae sunt ad respondendum de exitibus Regni, scilicet Thesaurarius et Camerarius, unde post mortem Eustachii de Faurumberg, Londoniensis Episcopi, et Thesaurarii fuit quaesitum quod de Computo suo responderet, et fuit responsum. Postea a Caroliensi Episcopo fuit quaesitus computus totius exitus regni tanquam a capitali receptore, et sedit ad computum. A Petro de Rabballis fuit postmodo quaesitus computus, nunquam autem a Justiciario debet computus requiri: eo quod non est receptor exitus Regni. Unde videtur quod ille qui nihil recipit, in aliquo non tenetur respondere. Et dicit

dicat quod Dominus Johannes Rex, tradidit Justiciariam apud Runningemede coram Domino Stephano Cantuarii Archiepiscopo, Comite Warannae, Comite de Ferraribus, et aliis magnatibus, et ipse toto tempore Johannis Regis, fuit Justiciarius, et dicitur autem quod Castrum Doveriae in adventu Domini Roberti, quasi pro hereditio habebatur, in quod castrum intravit, quando pauci inventi fuerant, qui in eodem intrare voluerunt, nisi corpus ejus intrasset, et toto tempore guerra a castrum non potuit recedere, nec officium Justiciarii exercere.

A Defuncto vero Domino Johanne Rege tempore guerra, de Consilio Gualteri tunc Legati, et magnatum tunc existentium cum Domino Rege, factus fuit Waresballus gubernator Regis, et Regni. Pa e vero reformata, remansit idem Waresballus Gubernator Regis, et Regni, et idem Hubertus Justiciarius, nullo contradicente. Post mortem vero Waresballi, de Consilio Domini Gualteri tunc Legati, Stephani Cantuarii Archiepiscopi, Episcoporum, et Magnatum terrae, remansit Justiciarius sine contradictione aliquo. Et semper scripsit et Dominus Papa tanquam Justiciario, et ita tenebatur ab Ecclesia, et a Regno semper Justiciarius factus a Domino Johanne Rege. Et ita bene patet, quod non recepit Justiciariam sine traditione Domini Johannis Regis, vel assensu Domini Gualteri. Et si hoc non sufficit, dicat aliud, et super hoc paratus est facere quod patres sui considerabunt, et etiam si respondere debet, habet chartam Domini Regis, qua ipsum ab his absolvit, quam profert: qua confecta est Anno Regni Regis Henrici decimo quinto.

D Item exigit ab eo, quod ei respondeat de collectione totius quintae decimae, quae per commune Consilium totius Regni custodiunt, et haberi debuit in deposito, et ita in deposito, quod nihil inde caperetur usque ad etatem Domini Regis, nisi per visum sex Episcoporum, et sex Comitum ad hoc specialiter attornatorum, et hoc non nisi ad defensionem Regni, et unde summa fuit circiter quater viginti, et novem millia marcarum argenti.

E Ad hoc respondit, quod Domini Sarisburiensis et Bathoniensis Episcopi illam pecuniam receperunt per commune Consilium Regni, et inde reddiderunt computum suum, et inde quieti sunt per literas Domini Regis. Unde non videtur quod inde debeat respondere. Et si hoc non sufficit, dicat aliud, et super hoc paratus est. Et habet etiam Chartam Regis qua ipsum, &c.

F Item quod respondeat de terra Pitiabiae, de qua Johannes Rex obtulit se ipsum, et unde Dominus Rex qui nunc est fuit in se ipsum, quando idem Comes suscepit custodiam Regni, scilicet de Rupella, Wyorth, et de Sancto Johanne, et qui quando ad restitutionem terrarum illarum mittere debuerat thesaurum, et denarios, misit barillos lapidibus et sabulone impletos. Et ita quod quando Barones, et Magnates Domini Regis, et Burgenses, viderunt defaltam illam, diverterunt se ab homagio et servitio Domini Regis, et convertebantur ad inimicos Domini Regis, propter quod Dominus Rex amisit Pitiabiam.

F Ad hoc respondit, quod nunquam misit tales barillos de quibus dicitur, et hoc praefate defendit, per quodammodo patres sui considerabunt, sed de Consilio Magnatum Anglia ad defensionem Rupellae missi fuerunt

centum milites & amplius, & quamplures fervientes, qui fuerunt cum Domino Rege. ibidem, quousque Burgenses, & homines illius terre diverterunt se ab homagio Domini Regis, unde per ejus negligentiam non amittitur Rupella, nec per negligentiam militum ibi existentium, quia illis in viis, Burgenses terram reddiderunt Regi Francorum. Et hoc bene patet, quod omni milites Domini Regis essent in villa. Burgenses amoverunt eos à consilio illorum, & sine militibus pacem fecerunt. Itaque quod milites salvo corpore suo & heresio, possent recedere; per excessus etiam * Falconis amittebatur Rupella; qui Falco & sui Domino Regi eo tempore quo Rupella fuit obsessa, insurrexerunt. Qui etiam Falco, per Willielmum fratrem suum, fecit capere Henricum de Baybrot Justiciarium Domini Regis inobedientem; propter quem captum, & alias injurias dicti Falconis, oportuit Regem & Magnates terram obsidere castrum de Beresford; per Consilium Archiepiscoporum, Episcoporum & Magnatum terrarum. Qui etiam Episcopi ibidem excommunicaverunt Falconem; unde patet manifeste delictum Falconis; alioquin non excommunicassent eum. Et si Falco, impio coalesset, & castrum non esset captum, turbatum esset regnum plusquam fuit. Et si hoc non sufficit, &c. Et super hoc paratus est, &c.

4. Item de hoc respondeat, quod dum Dominus Rex, fuit infra ætatem & subvenire debuit terra Picavie, & exercitus suus proficisci deberet in Picaviam; fecit ipse Comes obsidere castrum Beresford; ubi Dominus Rex & Magnates sui Angliæ antequam illud captum esset, maximam impenderunt pecuniam. Quo etiam capto, illud prosterni fecit & reddidit Willielmo de Bello Campo; super quem Dominus Johannes Rex castrum illud ceperat per guerram; & unde Johannes Rex scissus fuit quando obiit.

Ad hoc respondit, quod per illum solummodo non fuit castrum obsessum, sed per commune consilium regni, & per delictum Falconis & suorum, quia fecit capere Henricum de Baybrot Justiciarium Domini Regis, per Willielmum de Breante fratrem suum. Unde Dominus Rex misit litteras suis eidem Falconi, una vice & alia, pro deliberando Justiciario suo; & quod frater suus pro quibus nihil facere voluit. Rex etiam misit litteras suas Willielmo de Breante; qui respondit, quod ipsum Henricum non redderet sine Falcone fratre suo; & quod Frater suus bene advocaret quod fecit. Unde Dominus Rex habito consilio cum Magnatibus suis, accessit usque Beresfordiam; & misit ad illos qui erant infra castrum, Petrum filium Hereberti, & Alanum Basset; petens quod deliberarent Henricum de Baybrot Justiciarium suum quem tenebant imprisonatum; & quod venissent emendare delictum super captione dicti Justiciarii domini Regis. Et ipsi responderunt, quod nihil facerent pro domino Rege, & quod ipsum Henricum tenerent; & si possent plus caperent; unde per consilium Magnatum Angliæ, fuit castrum obsessum, captum, & dirutum. Quo diruto, fuit sedes castri tradita Willielmo de Bello Campo per consilium Magnatum Angliæ; hac ratione, quod in forma pacis inita inter Dominum Regem, & Dominum Lodovicum & Barones continebatur, quod quisque haberet talem scissam quam habuit in principio guerra. Unde Dominus Gwalla legatus, Archiepiscopus, & episcopi, excommunicaverunt omnes qui venirent contra istam formam pacis. Et quia idem Willielmus semper erat petens versus dictum Falconem, dictum castrum, & jus suum; nec habere potuit donec fuit captum per dominum Regem: idem Dominus Rex de consilio Magnatum

Magnatum suorum, propter formam pacis factæ, & pro timore sententie late; dictum sedem castri ei reddidit, venendam eodem modo quo antecessores sui tenerunt; prout patet in rotulis Domini Regis. Et etiam idem Willielmus dedit Domino Regi de suo, ut talis scissam haberet; ut patet similiter in Rotulis Domini Regis. Et si hoc non sufficit, dicit aliud. Et super hoc, &c.

5. Item quod de hoc respondeat, quod Romanum nuncios destinavit, et antequam dominus Rex esset plenæ ætatis, impetravit quod esset plenæ ætatis sicut hoc esset ad commodum domini Regis; et auctoritate cujus ætatis inchoatari sibi fecit terras quas fuerant H. de Essex et plures alias terras, dignitates, et libertates de quibus scissam per se ipsum cepit, post mortem ipsius Regis Johannis; et de quibus idem Rex Johannes obiit scissus, (ut etiam dari fecit et confirmari vitiis religiosis, personis Ecclesiasticis, et aliis) nullis terras et libertates, et aliis, ad immolationem et magnam deteriorationem dignitatis Domini Regis, et Corone sue.

Ad hoc respondit, quod non destinavit nuncios Roman, sed Episcopus Wintoniensis nunciis Roman W. de Sando Albano pro dicto negotio; magis ad documentum dicti Puberti quam ad commodum suum; ut ipse et alii redderent custodias suas, et ita factum fuit apud Northampton. Postea de communi consilio Archiepiscopi et Episcoporum, providum fuit, quod Dominus Rex haberet nullum, et current littere sue, ut sit majoris timoris effectus Regibus; & majoris auctoritatis. Postea impetrata fuit venia sue ætatis ad suggestionem Archiepiscopi, Episcoporum, Comitum et Baronum ab Innocentio Papa. Suggesterunt enim Papa, quod prudentia et discretio sua, ætatem suam supplevit, sicut continetur in privilegio Honoris Papa directo Comitibus et Baronibus; quod sit incipit. Ad hoc, et infra licet Charissimi in Christo filii nostri Pontifici Regis Angliæ illustris adolescentia computetur in annis; quia tamen, sicut accepimus, et gaudemus, animum induit virilem, ætate quia proficit, et prudentia, ita quod in annorum numero sibi deest, in discretionis videatur recuperare virtute; non est ei amodo prohibendum de regno et regni negotiis utiliter disponere, Ideoque per Apostolica scripta mandamus, quatenus cum venerabili fratre nostro Episcopo Wintoniensi et nobilibus viris Justiciario Angliæ, et Willielmo de Beuweretiam nostris litteris in preceptis, ut amodo sui regni dispositionem sibi dimittant liberam, & quietam. Et Comiti Cantuariæ scripsit hoc modo: Per Apostolica scripta mandamus & precipimus, quatenus modo regni sui dispositionem illi dimittas, terras & Castra que tenes nomine Custodie, sine difficultate aliqua relinques eidem; & ab aliis resignari precorares. Sub eisdem verbis scripsit Wintoniensi Episcopo. Cancellario vero scripsit sic. Per Apostolica scripta mandamus, quatenus cum episcopo Regis scissam habere, & ejusdem custodiam antequam illo secundum beneplacitum suum maris, & super eo ipsi tantum obediatis & intendatis; nullasque de cetero litteras preter voluntatem ipsius sigillo regio factas signari. De terra H. de Essex dicti; quod Dominus Rex fuit gratus quando fuit plenæ ætatis, & postquam Cancellarius per Dominum Papam tantummodo ipsi intendebat, illam terram ei dedit per cartam; & etiam terram ut jus suum ei reddidit, postquam venit ad pacem suam. Et si hoc non sufficit, &c. & paratus est super hoc, &c.

6. Item quod respondeat de hoc, quod cum Dominus Rex Scottie Wilhelmus aliquando tradidisset Domino Johanni Regi duas filias suas, & unde primogenita maritari deberet Domino Regi vel Comiti Ricardo, si de Domino Rege humanitus contingeret, & pro quo maritatio, idem Rex Wilhelmus quietum clamavit Regi Johanni totum jus suum quod habuit in terris Cumberland, Westmerland, & Northumberland, & præterea dedit ei quindecim millia argenti marcarum. Ipse antequam Dominus Rex talis esset ætatis, quod posset discernere utrum ipsam vellet habere in uxorem vel non, desponsavit eam. Et ita quod cum Dominus Rex pervenit ad ætatem, oportuit eum dare Regi Scottie qui nunc est, ducentas libratas terræ pro quietâ clamatione prædictarum terrarum, quia primæ conventiones non fuerunt observatæ; Et hoc non obstante quod prius desponsaverat Comitissam Gloverniæ, quæ aliquando desponsata fuit Domino Johanni Regi dum fuit Comes, & quam Rex Johannes commisit ei in custodiam: & ejus maritatum vendiderat aliquando, Galfrido de Mandeville pro viginti millibus marcarum, & unde utraq; illarum conjuncta fuit alteri consanguinitate in certo gradu.

Ad hoc respondit, quod de conventionibus inter duos Reges, scilicet de maritatio faciendo Domino Regi vel Comiti Ricardo nunquam scivit: sed quod per Dominum Regem, de Consilio Magnatum maritari debuit: & de eorum consilio fuit maritata, patet tam per litteras Domini Pandulphi tunc legati Angliæ, quam per litteras Cantuariensis Archiepiscopi, Episcoporum, Comitum & Baronum. Nec etiam illa conventio potuit impedire si facta fuit, quia quando maritata fuit, Rex fuit talis ætatis quod potuit contraxisse cum illa, vel cum alia si voluisset. De consanguinitate inter Comitissam Gloverniæ & filiam Regis Scottie, nil scit. De ducentis libratæ terræ oblatæ Regi Scottie, nihil factum fuit per Comitem Cantie. De Comitissa Gloverniæ dicit, quod non fuit in custodia Huberti, sed erat Domina de seipsa: & licebat ei maritare ipsam cui voluit post mortem G. de Mandeville, cum Dominus Rex Johannes prius dicto Galfrido maritatum ejusdem Comitissæ vendiderat. Et si hoc non sufficit, dicit aliud. Et super hoc paratus est, &c.

7. Item quod respondeat de hoc, quod cum Dominus Papa dedit in mandatis, quod occasione illius parentela fieret divorcium inter ipsum & Comitissam uxorem suam, quam nunc habet, ipse fecit triturare omnia blada Romanorum, per illos qui vocabantur Leprobii: unde sententia excommunicationis generaliter lata fuit in omnes malefactores illos & eorum fautores: Et hoc fecit dum fuit Justiciarius, & per eum qui pacem deberet observare, & ita quod pax hucusque per hac extitit perturbata.

Ad hoc respondet, quod nihil scit, quia per illum non fuit hoc factum, quod patet manifeste, quia Dominus Papa super hoc fecit fieri inquisitionem per Episcopum Wintoniensem, & Abbatem Sancti Edmundi, & inquisitio facta transmissa fuit ad Papam, per quam Inquisitionem apparuit manifeste, quod non fuit in culpa, quia si fuisset, Papa punisset eum: quod non fecit. Et si hoc non sufficit, &c. Et super hoc paratus est facere, quod patres sui considerabunt.

8. Item quod respondeat de hoc, quod cum se poneret in prisonam Domini Regis, & per conventionem inter eos factam quod pro utlagatione teneretur,

semeretur, si unquam de prisona illa evaderet sine licentia ipsius Domini Regis, ipse de prisona illa evasit, & cum per conventionem illam, & per lectam illorum de quorum custodia evasit, utlagatus esset, & postmodum Dominus Rex in gratiam suam illum receperit, ipse de utlagaria illa ei remissa, nullum brevis Domini Regis recipere voluit. Et eo postmodum in gratiam Domini Regis taliter recepto, quod salve essent donationes quas Dominus Rex prius fecerat de terris quas habuit in manibus suis, per conventionem illam, ipse nihilominus postmodum contra conventionem illam implacitavit Johannem de Gray, Wally, Bessly, Ankerillum, Nature, Robertum Passelwe, Alanum Wrey & plures alios: & versus eos recuperavit, & unde Dominus Rex aliquibus ex illis fecit escambium de Dominicis suis, ad magnum ejus incommodum, & unde videtur Domino Regi quod prædicto Comiti conventionem tenere non debet, ex quo ei nullam tenuit.

Ad hoc respondit, quod nullam talem conventionem fecit, & dicit quod cum esset in custodia quatuor Comitum Angliæ, per sic quod in mandatis expectant, quod nihil periculi in suo corpore eveniret, postmodum subtrahi fuerunt Custodes, qui deberent eum a malis tueri, nescit per quos. Unde merito sibi cumit, & præterea cum illis non esset Episcopus esset Consiliarius Domini Regis, qui ministrabatur ei, sicut Angliæ scit, & castrum ubi factum fuit in custodia Petri de Riballis: Unde cum tutela sua qua cum debuit protegere ex conventionem, quando sic fuit in custodia, & se recederet, non fuit mirum si ad Ecclesiam confugeret: & hac nulla ratione fecisset, si conventiones essent illi sub salva custodia servatæ. De utlagatione, unde dicitur, dicit quod talem conventionem non fecit, neque debet talis conventio aliqua reputari, quia nullus probus homo, & fidelis potest utlagari ex conventionem, quia utlagatio est pena malefactoris, & non bene operantis, & sequitur ex malefacto illius, qui non vult stare recto. Ipse vero, non fuit talis, quia semper rogavit & obtulit stare iudicio patrum suorum, postmodum cum esset reversus ad pacem Domini Regis, remissa sunt ei omnia præmissa, & adjudicata & proclamata est illa utlagatio nulla, per omnes Comitatus Angliæ, per litteras Domini Regis. Et istud iudicium fuit factum apud Globerniam, per os Domini W.

de Badelghe, coram Archiepiscopo, Episcopo, Comitibus, & Baronibus. Ad hoc quod dicit se nolle recipere brevis de remissione utlagationis. Respondit, quod hoc fecit, ne videretur se confiteri fuisse tantam malefactorem utlagatum; & dicit quod nullum implacitavit contra conventionem, quia nullam conventionem fecit Domino Regi, nisi de Justiciariis Angliæ. & de Castro Doboyæ quia habuit per Cartam ad vitam suam. Et hoc bene patet, quia per voluntatem Domini Regis & in curia sua, recuperavit super eos, quos implacitavit, & per Iudicium Curie sue, unde non est in culpa super hoc. Et si hoc non, &c. Et super hoc paratus est, &c.

9. Item quod respondeat de hoc, quod verba probrosa, & turpia dixit Domino Regi in presentia Domini Radulphi filii Nicholai, & Galfrido de Crantimbe fratris G. & aliorum, & Dominus Rex adhuc multa habet contra ipsum proponenda & dicenda, quæ adhuc reservat in animo propositurus ea cum ei placuerit & locus ei assuerit.

Ad hoc respondit, & hoc defendit præcisè, sicut contra Dominum suum, & contra omnes alios qui hoc dicunt, per quodcumque patres sui confi-

*Cl. 17. H. 3. M. 2. his immediate Keepers were to be removed and others placed about him.

*See Pat. 17. Hen. 3. M. 9. Dors. here in Append. N. 152. where 'tis said he made such an Agreement.

considerabant, & omnia præmissa in reformatione pacis, ei fuerunt relaxata, & in jure remissa. Unde non videtur quod super præmissis possit convenire de jure; & si in aliquo præmissorum fuit insufficienter responsum, paratus est Comes aliud dicere. Item videtur ei, quod non tenetur respondere, nisi restitutus esset, de omnibus bonis suis de quibus disseisitus fuit, cum nullus tenetur respondere in foro seculari vel Ecclesiastico disseisitus.

Dies datus est eidem Huberto coram Domino Rege, de audiendo Iudicio suo in crastino * decollationis Sancti Johannis.

August. 30.

Mat. Paris
f. 124. n. 10.
N. 161.

Octo, miseratione divina, &c. Discreto viro, illi Episcopo, vel Archidiacono, Salutem. Cum necesse habeamus de mandato summi Pontificis, moram trahere longiorem, nec possumus propria stipendiis militare; discretioni vestra, qua fungimur auctoritate, mandamus, & qua sumus, ut procuraciones nobis debitas in Episcopatu vel Archidiaconatu vestro colligi factas nostro nomine diligenter; & eas quam citius poteritis nobis transmissuri, contraditores per censuram Ecclesiasticam compescendo. Prohibito quod qualibet procuratio, summam quatuor marcarum aliquatenus non excedat. Et ubi una Ecclesia non sufficit ad procuracionem huiusmodi habendam, que pariter unam solvant. Datum Londini * decimo quinto Calendas Martii, anno Pontificatus Domini Gregorii Papæ decimo tertio.

* Febr. 15th.
A. D. 1240.

Ibid. f. 5.
n. 10.
N. 162.

Ille vel Ille Episcopus, dilectus in Christo filius omnibus Archidiaconis per Diocesim suam constitutus, Salutem. Litteras Domini Legati suscepimus in hac verba: Otto, &c. Cum scitis intelleximus, nonnulli Crucesignati Regni Anglie, qui sunt inhabiles ad pugnandum, ad sedem Apostolicam accedant, ut ibidem à voto Crucis absolvi valeant; & nos nuper, recepimus à Summo Pontifice in mandatu, ut tales non solum absolvere, verum etiam ad redimenda vota sua compellere debeamus; volentes eorum parcere laboribus & expensis, paternitate vestre, qua fungimur auctoritate, mandamus, & quasumus, ut potestatem prædictam, à summo Pontifice nobis concessam, faciat in vestris Diocesis sine mora qualibet publicari; ut præfati Crucesignati ad nos accedere valeant, beneficium super hoc juxta formam nobis traditam recepturi. Datum Londini decimo quinto Calendas Martii, Anno Pontificatus Domini Gregorii Papæ decimo tertio.

Clauf. 24. f. 3.
M. 4. Dorf. in
ced.

N. 163.
* That is, the
19th of May.

Sciant presentes & futuri, quod ita convenit inter Dominum Henricum Regem Anglie illustrem ex una parte; & David filium Lewellini quondam Principis Norwallie & Dominum de Abberfrau ex altera; apud Cloucestriam die Martis proximo ante festum Sancti * Dunstani anno regni ipsius Regis vicesimo quarto; de homagio ipsius David quod ipse offerebat eidem Domino Regi pro jure suo. Norwallie, & de terris quas Barones ipsius Domini Regis scilicet Giffinus filius Wenu-

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wan & alii Barones Domini Regis petebant versus ipsum David, ut jura sua excepta terra de Monte alto secundum quod continetur in scripto nuper confecto, apud Cruceum Giffini per Seneschallos Domini Regis que ad presens excipitur ab arbitrio. Salvo tamen in posterum jure Seneschalli Testria in terra illa si quod habet. scilicet, quod prædictus Dominus Rex cepit homagium præfati David de prædicto jure suo Norwallie; & quod tam idem Dominus Rex pro præfatis Baronibus suis de consensu eorundem quam præfatus David pro se, & suis, & heredibus eorum super omnibus terris prædictis se submiserunt arbitrio venerabilium Patrum Dionisi Sancti Nicholai in Carcere Tulliano Diaconi Cardinalis Apostolicæ Sedis Legati, Allogornie, & Norwici Episcoporum, & nobilis viri Richardi Comitis Pictavia & Cognubie fratris ipsius Domini Regis & Johannis de Monemue ex parte ipsius Domini Regis; Et venerabilis patris Episcopi de Sancto Alaph — Idenevet Vaghan, Eynguan Vaghan ex parte præfati David. Ita quod quomodolibet ab ipsis omnibus, vel à majori parte eorundem, super præmissis fuerit arbitratum, utraq; pars ipsorum stabit arbitrio, & illud in perpetuum firmiter observabit. Et ad hoc fideliter & sine fraude servanda Willielmus de Cantelupo de precepto Regis juravit in animam ipsius Regis; & idem David in propria persona sua corporale prestitit sacramentum: Et insuper se submiserunt jurisdictioni & inordinationi præfati Domini Legati quam diu in Anglia Legationis fungatur officio; ut partem contra præmissa venientem per censuram ecclesiasticam modis omnibus quibus melius viderit expedire, tam ad prædictum arbitrium observandum, quam ad transgressionem contra illud perpetratam emendandam valeat coercere, ordine juris observato. Dum tamen idem David vel sui si forsitan contra prædicta venire presumpserint, prius coram dicto Domino Legato vel aliquibus aliis ad hoc ab ipso deputandis, & partibus merito non suspectis, in consilio Marchie loco eidem David & suis tuto legitime communicantur, si ad hoc vocati venerint vel si legitime vocati non venerint pro contumaciis habeantur nisi rationabile & sufficiens habeant impedimentum: finito vero prædictæ Legationis officio sub forma præscripta coercionis & jurisdictioni Domini Cantuariensis Archiepiscopi, & Successorum suorum & Ecclesiæ Cantuariensis se partes prædictæ submiserunt. Et Sciendum quod per hanc pacem remanent Domino Regi & heredibus suis omnia homagia Baronum Wallie quæta; & remittuntur omnia incendia, homicidia, & alia mala tam ex parte Anglicorum, quam Walensium perpetrata. Ita quod ad invicem plene reconcilientur. Salvo præfato David jure suo, si quod habet in aliis terris. Et si forte aliquis prædictorum arbitrorum ante hoc arbitrium completum in fata decesserit, vel per impedimentum rationabile prædicto arbitrio faciundo non possit interesse, alius loco suo substituetur qui neutri partium merito suspectus habeatur. Ad hoc præfati Episcopus de Sancto Alaph Idenevet & Ignan & Giffinus filius Rocherich præstiterunt Sacramentum, quod quantum in eis est prædicta fideliter observabunt, & ab ipso David & suis, modis omnibus quibus poterint facient observari: Ad majorem autem huius rei securitatem factum est hoc scriptum inter ipsos Regem & David in modo Chirographi. Ita quod parti remanenti penes ipsum Dominum Regem appositum est sigillum ipsius David una cum sigillo prædictorum Episcopi de Sancto Alaph, Idenevet, Ignan, & Giffini. Et parti penes ipsum David remanenti appositum est sigillum Domini Regis. His Testibus venerabilibus patribus Ottone Sancti Nicholai in Carcere Tulliano Diacono, Cardinali Apostolicæ sedis Legato, Waltero Eboracensi Archiepiscopo, Waltero Carleolensi, Waltero Wygornensi,

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Wigornensis, & Willielmo Norwicensi Episcopo, Richardo Comite Pictaviae & Cornubiæ fratre Domini Regis, venerabili patre Episcopo de Sancto Asaph Willielmo de Cantilupo, Amaro de Sancto Amando Seneschallis nostris, Johanne extraneo, Edenewet Watham, Griffino filio Rotherich, David Archidiacono de Sancto Asaph & aliis.

Rex Dabid filio Lewelini, Salutem. Bene recolimus qualiter nos vobis nuper in mandatis dedimus quod coram nobis apud Wigorniam compareretis, ad providendum arbitros qui loco eorum qui primo ad hoc electi fuerant, & qui ad partes recesserunt transmarinis iusticiam secundum formam pacis inter nos & vos provise singulis conquerentibus exhiberent, & in arbitrio predicto secundum formam debitam procederent. Et similiter ad iusticiam recipiendam de portione uxorem vestram contingente de hereditate sua: Et similiter ad standum recto super his de quibus Seneschallus de Ponte Alto & alii de vobis sunt conquesti. Et quia ad diem & locum vobis prefixos non accessistis, sed literas vestras nobis missistis continentes quod tres ex vestris ad nos loco vestro destinastis ex quibus tantum unus ad nos accessit qui ad premissa adimplenda nullam potestatem habuit unde quibusdam ex nostris visum fuerat quod hoc malitiose & ut subterfugium quæreretur per vos factum fuit: Nos tamen hoc non credentes sed fidelitatem vestram adhuc magis probare volentes, Vobis mandamus in fide qua nobis tenemini precipiendo quatinus omni occasione postposita personaliter compareatis apud Salop die Dominica proxima ante Dominicam Palmarum coram fidelibus nostris quos illuc duxerimus transmittendos ad consentiendum in personas certas ad procedendum in arbitrio predicto loco eorum qui ad partes transmarinas recesserunt, & ad faciendum in eodem arbitrio id quod adhuc restat faciendum & ad recipiendam iusticiam de portione uxorem vestram de hereditate sua contingente & ad standum recto Seneschallus Cestrie & alii de vobis conquerentibus. Quod si personaliter ad hoc faciendum venire non possitis tales loco vestro mittatis qui plenam potestatem habeant hac omnia nomine vestro faciendi. Nos enim enim vobis & vestris per eos quos ibidem mittemus aut per nosmet ipsos saluum & securum providere faciemus conductum. Teste Rege apud Wudestoke decimo nono die Februarii.

Anno Domini Milleesimo Ducentesimo quadragesimo primo die Dominica proxima ante inventionem Sancte Crucis assignata Dabid filio Lewelini quondam Principis Norwallie & Warchionibus ad consentiendum in arbitros substitutos loco absentium & ad faciendum & recipiendam iusticiam secundum formam pacis conventa inter Dominum Regem & dictum David comparuit Thudius Seneschallus ipsius Dabid, parvus Dabid Cancellarius & Whilippus filius Iboz Clericus ex parte Dabid procuratores ostendentes literas ipsius Dabid in quibus dictus Dabid promittebat se ratum habiturum quicquid per ipsos fieret secundum formam pacis supradictae. Radulphus vero de Wotuo Wari, & Rogerus Seneschallus Cestrie, & Giffinus pro se & aliis Warchionibus comparuerunt petentes instanter quod secundum dicta testium proditorum coram Domino Stephano de Segrave & iudiciis suis vi-

cem Domini Regis gerentibus apud Salop eisdem exhiberetur iustitia complementum. Sed contra procuratores prefati Dabid asserabant dictos testes non esse receptos secundum formam pacis. Quare secundum dicta eorum non dicebat nec poterat iudicari. Tandem continuata die & alteratione magna super hoc & aliis habita inter partes, forma pacis predicta producta in medio visaque & perfecta loco absentium arbitratorum scilicet Domini Willelmi Sancti Nicholai in Carcere Tulliano Diaconi Cardinalis Domini Papae quondam Legati in Anglia Wigornensis & Norwicensis Episcoporum subrogati sunt per Dominum Regem de consensu dictorum procuratorum Episcopus Coventrensis Johannes filius Galfridi & Perebertus filius Willelmi & Walterus de Clifford quibus data est eadem potestas quam habent absentes, si praesentes essent secundum formam pacis predictae. Et assignata est Dies partibus a die Pentecostes proximo in unum mensem apud pontem de Waneford ultra Salop, ad probanda hinc inde siue per productos Testes non obstante productione jam facta siue per alios & quolibet probationis genere siue per instrumenta siue alio modo quae voluerint & sibi noverint expedienda; & illa die dabitur alia ad iudicium audiendum secundum probata coram eisdem Arbitris iuxta formam pacis superius prelibatae.

Rex Dabid filio Lewelini quondam Principis Norwallie Salutem. Ex certa quorundam relatione didicimus quod vos contra iuramentum nobis prestitum quosdam fratres Giffini filii Wadoc & etiam quosdam homines nostros de Reri qui boiagia nobis fecerunt vobis confederastis, & ab obsequio & fidelitate nostra subtraxistis, & fratres predicti Giffini contra nos in terra vestra receptatis. Tres quidem de Seneschallis vestris in succursum eorum qui expugnant dilectum & fidelem nostrum Radulphum de Wotuo Wari destinastis caedes & incendia per vos & vestros in terra sua & terris aliorum fidelium committendo. Terras etiam quae in Curia nostra abjudicatae fuerunt Wotuo Wari & nepotibus suis, eis contra iusticiam desforciatis, non permittentes quod executio fiat de his quae in Curia nostra sunt considerata. Quandam etiam navem Cestrie quae in potestate vestra applicuit castata blado & aliis victualibus arstari fecistis per vos & gentem vestram, in nullo his quorum bladum & victualia fuerint inde satisfaciencies super quibus non modicum admiramur & movemur, & multo fortius quod cum nuper missis nuntios nostros solemnes usque Salop utpote venerabilem Patrem Henricum Coventrensem, & Lichfeldensem Episcopum, & alios & fideles nostros Johannem filium Galfridi, & Willelmum de Willetheleg paratos ad emendas faciendas, & recipiendas de interceptionibus factis tam ex parte nostra quam ex parte vestra vos tanquam in contemptum nostrum predictis fidelibus nostris non occurrisset nec per aliquos de vestris in eorum occursum mittere curastis. Quod quidem agere nos movet cum tot & tantas injurias quas longum esset enumerare contra nos & nostros nullo modo attemptare debuisset. Et ideo vobis mandamus quod predictis fidelibus nostris tam fratres predicti Giffini quam homines nostros de Reri quos a fidelitate nostra subtraxistis ad fidem nostram r. dire faciatis, non impedientes quin predictis Wotuo Wari & nepotibus suis secundum pactum abjudicatum est in Curia nostra terris suis gaudere possint, & eas pacifice possidere. Id etiam quod contra dilectum & fidelem nostrum Radulphum de Wotuo Wari & alios fideles nostros & etiam quod de

Clau. 15. H. 3.
M. 7. Dori.
N. 166.

Abi illa Cestrensis attemptastis, sic emendari faciatis quod nobis non relinquantur materia injurias predictas gravius ulciscendi quod nolumus. Nec omittatis quin citra festum Sancti Petri ad Vincula nobis significetis qualiter dampna & injurias predictas que nullo modo dissimulare poterimus nobis emendare volueritis. Teste Rege apud Berlebergh quarto decimo die Julii.

S Ciant presentes & futuri quod ita convenit inter Dominum Pentricum Regem Anglia illustris ex una parte & Senanam uxorem Griffini filii Lewelini quondam Principis Norwallie quem Dabid frater ejus tenet Carceri mancipatum, cum Dweyn filio suo, nomine ejusdem Griffini ex altera; Scilicet quod predicta Senana manucepit pro predicto Griffino viro suo quod dabit Domino Regi Septentas Marcas, ut Rex eum & predictum Dweyn filium suum liberari faciat a Carcere predicto. Ita quod stabit Judicio Curie sue si de jure debeat carcere detineri. Et ut Rex postea Judicio Curie sue secundum legem Valensem ei & heredibus suis habere faciat super portione que eum contingit, de hereditate que fuit predicti Lewelini patris sui, & quam predictus Dabid ipsi Griffino deforciavit. Ita quod si idem Griffinus vel heredes sui per considerationem Curie Domini Regis recipere portionem quam se dicunt contingere de hereditate predicta, eadem Senana manucepit pro predicto Griffino & heredibus suis quod ipse & heredes sui imperpetuum inde reddent Domino Regi & heredibus suis trecentas Marcas annuas. Scilicet tertiam partem in Denariis & tertiam partem in bobus & vaccis & tertiam partem in equis per estimationem legalium hominum liberandas Vicecomiti Salop apud Salop & per manum ipsius Vicecomitis ad Scaccarium Regis deferendas, & ibidem liberandas. Scilicet unam medietatem ad festum Sancti Michaelis & altam medietatem ad Pascham. Eadem etiam Senana manucepit pro predicto Griffino viro suo & heredibus suis quod firmam pacem tenebunt cum prefato Dabido super portione que eidem Dabido remanebit de hereditate predicta. Manucepit etiam eadem Senana pro prefato Griffino & heredibus suis quod si aliquis Valensis aliquo tempore Regi vel heredibus suis rebellis extiterit prefatus Griffinus & heredes sui ad custum suum proprium ipsum compellent ad satisfaciendum Domino Regi & heredibus suis. Et de hiis omnibus supradictis firmiter observandis, dicta Senana dabit Domino Regi Dabido & Roberth filios suos obseques. Itamen quod si de prefato Griffino & Dweyno filio suo qui cum eo est in carcere humanitus contingat, antequam inde deliberentur alter predictorum filiorum eidem Senane reddetur reliquo obfide remanente juravit insuper eadem Senana tacitis Sacrosanctis evangelis pro se & prefato Griffino & heredibus suis quod hec omnia firmiter observabunt. Et Manucepit quod prefatus Griffinus idem jurabit cum a carcere liberatus fuerit. Et super promissis se submisit nomine dicti Griffini jurisdictioni Herefordensis & Coventrensis Episcoporum. Ita quod prefati Episcopi vel alter eorum quem Dominus Rex elegerit ad requisitionem ipsius Regis per sententias excommunicationis, in personas & interdicit in terras eorum coherceant ad predicta omnia & singula observanda. Hec omnia manucepit predicta Senana & bona fide promissit se facturam & curaturam quod omnia impleantur, & quod prefatus Griffinus cum liberatus fuerit & heredes sui hec omnia grata habebunt, & comple-

bunt; & instrumentum suum inde dabunt Domino Regi in forma predicta. Ad majorem siquidem hujus rei securitatem factum est hoc scriptum inter ipsum Dominum Regem & prefatam Senanam nomine prefati Griffini viri sui. Ita quod parti remanenti penes ipsum Dominum Regem appositum est sigillum prefati Griffini per manum prefate Senane uxoris sue una cum sigillo ipsius Senane & parti remanenti penes ipsam Senanam nomine prefati Griffini appositum est sigillum ipsius Domini Regis. De supradictis etiam omnibus complendis & firmiter observandis dedit predicta Senana nomine prefati Griffini Domino Regi plegios subscriptos videlicet Radulphum de Mortuo Mart, Walterum de Clitford, Rogerum de Monte Alto Seneschallum Cestrie, Wailgun filium Wailgun, Bereduk filium Roberti, Griffinum filium Waddok de Baunfeld, Powel & Bereduk fratres ejus, Griffinum filium Wlennuwen, qui hec omnia pro prefata Senana manuceperunt, & Cartas suas ipsi Domino Regi inde fecerunt. Actum apud Salop die Luna proxima ante assumptionem Beate Marie, anno ipsius Regis vicesimo quinto.

Omnibus hoc scriptum visuris, Rogerus de Monte alto, Seneschallus Cestrie, Salutem. Sciatis quod ego me constitui plegium Senane uxoris Griffini filii Leolint, quondam Principis Norwallie, & manu cepi pro ea erga Dominum meum Pentricum Regem Anglie illustris, quod omnia que conventionavit eidem Domino meo nomine prefati viri sui, pro liberatione sua & Dwenit filii sui, a carcere in quo Dabid frater ejus eos detinet, & pro portione qua ipsum Griffinum contingit de hereditate, qua fuit predicti Leolint patris sui, & quam prefatus Dabid frater ejus ei deforciat, Domino Regi firmiter observabit. In cuius rei testimonium, huic scripto sigillum meum apposui. Actum apud Salopeshury die Luna ante * assumptionem Beate Marie, Anno Regni ipsius vicesimo quinto.

Sub eadem forma fecerunt singuli plegii prefcripti, Domino Regi chartas suas tam Barones Anglie, quam Wallenses & eodem modo se obligaverunt.

S Ciant presentes & futuri, quod ego Berdurus filius Powel, tacitis sacro-Sanctis juravi, quod ab isto die in antea omnibus diebus vite mee ero ad fidelitatem Domini Regis Anglie, & serviam ei fideliter & devote cum omnibus viribus meis, & toto posse meo, quandocumque indiguerit servitio meo, & treugam inter Dominum Radulphum de Mortuo Mari & me inquam, usque ad Festum Sancti Michaelis, anno Regni Regis Pentrici vicesimo quinto, ex parte mea fideliter observabo; & tam ad fidelitatem Domino Regi in perpetuum observandam, quam ad treugas predictas observandas usque ad terminum predictum, supposui me iurisdictioni Domini Herefordensis Episcopi, & Domini Coventrensis & Lichfieldensis Episcopi, vel alterius eorum quem Dominus Rex ad hoc elegerit, ut si in aliquo contra predictam fidelitatem Domini Regis vel contra observantiam predictarum treugarum veneris, liceat eis, vel eorum alteri, quem Dominus Rex ad hoc elegerit, personam meam & omnes meos

Mat. Park
f. 625. lio. f.
N. 169.

* August 15.

Ibid. n. ro.
N. 169.

meos excommunicate, & terram meam interdicere, donec de transgressionem ipsam satisfacero ad plenum. Et si forsitan infra prædictum festum Sancti Michaelis, inter prædictum Radulfum de Portuo Hari & me nulla pax fuerit reformata, licet post festum illud bellum moveam prædicto Radulpho, non obligabit me prædictum juramentum, dum tamen erga Dominum Regem fidelitatem observem continuam, sicut prædictum est. Et si bellum post prædictum Terminum inter nos moveatur, nihilominus Dominus Rex sustinebit, quod ego & mei receptemur in terra sua, sicut alii fideles sui. Ad prædicta autem observanda Domino Regi & heredibus suis, obligo me per juramentum prædictum, & per sigilli mei appositionem, quod huic scripto apposui, ad maiorem confirmationem prædictorum. Actum in Crastino * Assumptionis Beate Mariæ, anno regni Regis Henrici vigesimo quinto.

Sub eisdem verbis fecerunt Domino Regi chartas suas, Dwein filius Powel: Dailgun filius Dailgun: Dereduc filius Dereduc: Powel filius Cadwarthlan: & Cadwarthlan filius Powel.

Omnibus Christi fidelibus, ad quos presentes Littere pervenerunt, David filius Leolini, Salutem. Sciatis quod concessi Domino meo Henrico Regi Angliæ illustri, filio Domini Johannis Regis: quod deliberabo Giffinum fratrem meum, quem teneo incarceratum, una cum filio suo primogenito, & aliis qui occasione prædicti Giffini sunt in parte mea incarcerati, & ipsos eidem Domino meo Regi tradam. Et postea stabo Juri in Tutta ipsius Domini Regis, tam super eo, utrum idem Giffinus debeat teneri captus, quam super portione terre, quæ fuit prædicti Leolini patris mei, si qua ipsum Giffinum contingere debeat, secundum consuetudinem Wallensium, ita quod pax servetur inter me & prædictum Giffinum fratrem meum, quod caveatur de ipsa tenenda secundum considerationem Curie ipsius Domini Regis: & quod tam ego quam prædictus Giffinus portiones nostras, quæ nos contingunt de prædictis terris, tenebimus in Capite de prædicto Domino Rege. Et quod reddam Rogero de Monte alto, Seneschallo Cestrie, terram suam de Montbaut cum pertinentiis: & sibi & aliis Baronibus & fidelibus Domini Regis, seiscinas terrarum suarum occupatarum à tempore belli orti inter ipsum Dominum Johannem Regem, & prædictum Leolinum patrem meum, salvo jure proprietatis cuiuslibet pacti & instrumenti, super quo stabitur Juri hinc inde in Curia ipsius Domini Regis. Et quod reddam ipsi Domino Regi omnes expensas, quas ipse & sui fecerunt occasione exercitus istius. Et quod satisfaciam de damnis & injuriis illatis sibi & suis, secundum considerationem Curie prædictæ, vel malefactores ipsos ipsi Domino Regi reddam. Et quod similiter Domino Regi reddam omnia homagia, quæ Dominus Johannes Rex pater suus habuit, & quæ Dominus Rex de Jure habere debet: & specialiter omnium Nobilium Wallensium. Et quod idem Dominus Rex non dimittet aliquem de suis captivis, quin ipsi Domino Regi & suis remaneant seiscina sua. Et quod terra de Englesmere cum pertinentiis suis, in perpetuum remanebit Domino Regi & heredibus suis. Et quod de cætero non receptabo Utlagus vel Foris banniatos ipsius Domini Regis vel Baronum suorum, de Marchia in terra mea, nec permittam receptari. Et de omnibus articulis supradictis, & singulis, firmiter & in perpetuum observandis, domino Regi & heredibus suis pro me & heredibus meis cavebo per obfides & pignora, & aliis modis, quibus Dominus Rex

Rex dicere voluerit & dictare. Et in his & in omnibus aliis stabo voluntati, & mandatis ipsius Domini Regis, & juri parebo omnibus in Curia sua. In cuius rei testimonium presenti scripto sigillum meum appendi. Actum apud Alnetum juxta fluvium Elbey de Sancto Asaph, in * festo decollationis Sancti Johannis Baptiste, anno prædicti Domini Regis Henrici vigesimo quinto. Et sciendum, quod illi qui capti detinentur cum prædicto Giffino, eodem modo tradentur Domino Regi, donec per Curiam suam consideratum fuerit, utrum & quomodo debeant deliberari. Et ad omnia firmiter tenenda, ego David Juravi super crucem sanctam, quam coram me feci deportari. Venerabilis etiam pater Powelus Episcopus de Sancto Asaph, ad petitionem meam, firmiter promisit, in ordine suo, quod hæc omnia prædicta faciet, & procurabit modis quibus poterit observari. Etenim siquidem Waugan, per præceptum meum, illud idem juravit super crucem prædictam. Actum ut supra. Præterea concessi pro me & heredibus meis, quod si ego vel hæredes mei contra pacem domini Regis vel heredum suorum, vel contra articulos prædictos, aliquid attentaverimus, tota hereditas nostra Domino Regi & heredibus suis incurrat. De quibus omnibus & singulis, supposui me & hæredes meos jurisdictioni Archiepiscopi Cantuariensis, & Episcoporum Londinensis, Herefordensis, & Coventrensis, qui pro tempore præerunt, quod omnes, vel unus eorum, quem Dominus Rex ad hoc elegerit, possit nos excommunicare, & terram nostram interdicere, si aliquid contra prædicta attentaverimus. Et procuravi, quod Episcopi de Bangor, & de Sancto Asaph, chartas suas Domino Regi fecerunt, per quas concesserunt, quod omnes sententias tam excommunicationis, quam interdicti, à prædictis Archiepiscopo, Episcopis, vel aliquo eorum, ferendas, ad mandatum eorum exequantur.

Rex omnibus &c. David filius Leolini quondam principis Northwallie Salutem. Noverit Universitas vestra me Spontanea Voluntate mea pepigisse Domino meo Henrico dei gratia Regi Angliæ quod ego & heredes mei eidem Domino Regi & heredibus suis omnibus diebus vite nostre constanter & fideliter serviemus nec aliquo tempore contra eos erimus quod si forte evenerit quod à fidei servitio suo vel heredum suorum quod abist recesserimus tota terra nostra erga ipsum Dominum Regem & heredes suos incurrat & in usus eorum perpetuis cedat temporibus. Hanc autem passionem & concessionem sigilli mei appositione roboravi & ad maiorem huius rei declarationem Venerabiles patres Bangorensem & de Sancto Asaph Episcopi ad petitionem meam presenti scripto sigilla sua apposuerunt. Actum apud Rothelan tricesimo primo die Augusti.

Alexander,

* August 29.

Pat. 26. H. 3.
M. 1. Dorl.
N. 171.

Alexander, Dei gratia Rex Scotie, omnibus Christi fidelibus h-
scriptum visuris vel auditis salutem. Ad vestram volumus per-
venire notitiam, nos pro nobis & heredibus nostris concessisse, & fideliter promississe, charissimo & ligio Domino nostro Henrico tercio Dei gra-
tia Regi Angliæ illustri, Domino Hybernix, Duci Normannix, & Aquitania, & Comiti Andegavix, & ejus heredibus quod in perpetuum bonam
fidem ei servabimus pariter & amorem; Et quod nunquam aliquod scedus
inibimus per nos, vel per aliquos alios, ex parte nostra, cum inimicis Domini
Regis Angliæ, vel heredum suorum, ad bellum procurandum vel
faciendum, unde damnum eis vel Regnis suis Angliæ & Hybernix, aut
ceteris terris suis eveniat, vel possit aliquatenus evenire, nisi nos injuste
gravent; Stantibus in suo robore conventionibus inter nos & dictum Domi-
num Regem Angliæ initis ultimo apud Eboracum, in presentiam Domini
Ortonis, tituli Sancti Nicolai in carcere Tulliano Diaconi Cardinalis
tunc Apostolicæ sedis Legati in Angliæ; Et salvo conventionibus factis
super matrimonio contrahendo, inter filium nostrum & filium dicti
Domini Regis Angliæ. Et ut hæc nostra concessio & promissio pro nobis
& heredibus nostris perpetue firmitatis robur obtineant, fecimus jurare in
animam nostram Alanum Ostiarium, Henricum de Bailloil, David
de Lindeste, Willielmum Gifford: quod omnia prædicta, bona fide
firmiter & fideliter observabimus. Et similiter jurare fecimus venerabiles
patres David, Willielmum, Galfridum, & Clementem, Sancti
Andree, Glasconensem, Dunkeldensem, & Dublanensem Episcopos.
Et peterea fideles nostros, Patricium Comitem de Dumbar, Gal-
tulinum Comitem de Fife, Galfridum Comitem de Stratherne, Walterum
Cumin de Wenereth, Willielmum Comitem de Maro, Alexandrum
Comitem de Buthan, David de Hastingsia Comitem Atholl, Robertum
de Bzuis, Alanum Ostiarium, Henricum de Bailloil, Rogerum de
Mumbri, Laurentium de Abzinthia, Richardum Cumin, David de
Lindeste, Richardum Sward, Willielmum de Lindeste, Wal-
terum de Moravia, Willielmum Giffard, Nicolaum de Sully,
Willielmum de veteri ponte, Willielmum de Bevire, Aleumum
de Melue, David de Graham, & Stephanum de Smingham:
Quod si nos, vel heredes nostri, contra concessionem & promissionem
prædictam, quod absit, venerimus, ipsi, & heredes eorum, nobis, &
heredibus nostris, nullum, contra concessionem & promissionem prædictam,
auxilium vel consilium impendant, aut ab aliis pro posse suo impendi per-
mittent. Immo bona fide laborabunt erga nos & heredes nostros, ipsi &
heredes eorum, quod omnia prædicta à nobis & heredibus nostris, nec non
ab ipsis & eorum heredibus firmiter & fideliter observentur in perpetuum.
In cuius rei testimonium, tam nos, quam prædicti Prelati, Comites &
Barones nostri, præsens scriptum sigillorum suorum appositione roboravi-
mus. Testibus Prelatis, Comitibus, & Baronibus, superius nomi-
natis. Anno regni nostri &c. Ista signa apposta fuerunt in continenti,
scilicet Regis Scotie Alexandri, Willielmi de Bevire, Willielmi de
veteri ponte, Willielmi de Lindeste, Stephani de Smingham.
Altorum sigilla apposta fuerunt postea.

Illustri

Illustri viro, Domino Henrico, Dei gratia Regi Anglorum, &c. Ab-
bates Habertonwix & de Kemere, Cisterciensis ordinis, Inquisito-
res dati à Domino Papa, Salutem in Domino. Mandatum Domini
Pape recepimus in hæc verba; Innocentius Episcopus, Servus Ser-
vorum Dei, dilectis filiis Abbatibus de Habertonwix & de Kemere,
Cisterciensis ordinis, Kangorum Dioecesis, Salutem & Apostolicam bene-
dictionem. Ex parte dilecti filii nostri, nobilis viri David, Principis
Northwallix, fuit propositum coram nobis, quod cum inter ipsum, quem
parentes ejus in alumnum Romanæ Ecclesiæ donaverunt, & charissimum
in Christo filium nostrum Regem Anglorum illustrem, bellum longo tem-
pore perdurasset, tandem postquam fuit in venerabilem fratrem nostrum
Episcopum de Sancto Asaph, & collegas ipsius, de stando hinc inde eorum
arbitrio super omnibus querelis, juramento à partibus præstito, concorditer,
bonis viris mediantibus compromissum. Idem Rex, non attendens, quod
pendente illorum arbitrio, sibi super hoc aliquid attentare non licebat, in
prædictum Principem ex insperato hostiliter irruit, ad præstandum quod
super prædictis, de quibus compromissum fuerat, & juratum, ac aliis
ipsis Regis, mandare per vim compulit, & metum, qui cadere poterat in
constantem. Cum igitur ea que vi & metu fiant, carere debeant robore
firmitatis, discretionis vestre per Apolonica scripta mandamus, quatenus
inquisita super hoc diligentius veritate, si rem inveneritis ita esse, auctori-
tate nostra prædictum Principem ab observatione sic extortit juramenti pe-
nitens absolventes, sententia, si qua occasione hujusmodi in ejus personam,
vel terram, ab aliquo forsitan lata fuerit, juxta formam Ecclesiæ, sine dif-
ficultate qualibet, sicut justum fuerit, relaxetis. Testes vero, &c. Da-
tum Januæ, septimo Kalendas Augusti. Pontificatus nostri anno secundo.
Hujus igitur auctoritate muniti, vobis mandamus, quatenus in vigilia
Sanctæ Agnetis Virginis, apud * Keyrus, in Ecclesiæ * Gustefend co-
ram vobis compareatis, super contentis in autentico, dicto Principi respon-
suri, si vobis videritis expedire.

Mat. Park
f. 61 v. n. 50.
N. 172.Note, the
Number be-
fore this
should have
been 171.* Creyghton.
* The Church
of Alan-guste-
nia.

Reverendo in Christo patri Innocentio, Dei gratia, summo Ponti-
fici, Magnates & universitas Regni Angliæ, recommendatio-
nem, cum pedum osculo beatorum. Matrem nostram Romanam Eccle-
siæ totis visceribus diligimus & amamus, ut debemus; & ipsius honoris
incrementum & augmentum, affectione quanta possumus affectamus; ad
quam habere refugium nos oportet temporibus opportunit; ut dolor aggra-
vans filialis, Materno Solatio mitigetur. Quod quidem Solatium, mater
filio eo tenetur mihi & facilius impartiri; quod ipsum maternæ dulcedi-
nis alimento, gratum repetit & devotum, esse quidem non potest immemor
mater illa illius gratitudinis quam ei à longè retroactis temporibus Reg-
num Anglicanum impendit; concedendo eidem, ad exaltationem suam,
& conservationem majorem Subsidium docens, & non modice fru-
tuosum: ut per hoc inter Ecclesiam ipsam & Regnum prædictum, se-
dus dilectis firmius iniretur. Quod quidem Subsidium, processu tem-
poris beati Petri denarius extiterit nuncupatum. Ipsa verò Ecclesiæ hu-
jusmodi subsidio non contenta, aliis temporibus tam per Legatos, quam per
alios nuncios multiplicatos, subsidia petebat diversa in Regno prædicto:
quæ ei à filiis suis, tanquam devotis, & matrem suam sincera dilectionis
brachiis

Mat. Park
f. 66 v. n. 50.
N. 173.

C c

brachijs amplexantibus; fuerint concessa liberaliter & libenter. Paternitatem etiam vestram non credimus ignorare, quod prædecessores nostri, sicut vii Catholici, creatorem suum diligentes pariter & timentes; animarum suarum & prædecessorum suorum; nec non & successorum salutem insistere cupientes, Monasteria fundaverunt; & bonis suis, tam teris dominicis, quam ecclesiarum patronatibus ditaverunt: ut viri religiosi in monasteriis illis, primam religionem laudabiliter exercentes, & cum summa devotione altissimo famulantes; pace & plena tranquillitate possent gratulari, prout religioni dignoscitur convenire, de d. d. dominicis necessarii capientes & ut clericis sui patronatuum suorum ecclesias obtinentes, pro eis labores subirent exteriores, & eos d. d. fenderent; inhærentes religioni secundæ, ab incurribus aliorum. Qua propter non sine magna molestia nostra, & gravamine intollerabili nobis d. d. præfati religiosi possent patronatibus suis, aut ecclesiarum collationibus, aliquatenus defraudari. Sed ecce per vos & prædecessores vestros, nullam considerationem habentes, quod præter subsidia supradicta, jam ditantur in Anglia Italici (quorum est jam numerus infinitus) ecclesiis ad ipsorum religiosorum spectantibus patronatus, qui retroque ecclesiarum dicuntur: præfatos religiosos, quos deberent defendere relinquentes penitus indefensos, nullam curant animarum gerentes, sed lupos rapacissimos gregem dispergere, & oves rapere permittentes. Unde verè dicere possunt, quod non sunt boni pastores, quoniam oves suas non cognoscunt, nec pastorum notitiam oves habent. Hospitalitati Eleemosynarumque largitioni sicut statutum est in Ecclesia, non insunt: sed fructus tantum percipiunt, extra regnum asportantes; Regnum non medioriter depauperando, & redditus occupando. Quibus redditibus fratres, nepotes, consanguinei nostri, & ceteri bene meriti de Regno Angliæ prædicto beneficiari teneantur; qui possent & vellent dicta charitatis opera; & etiam plura alia misericorditer & pie exercere, & ecclesiis ipsi personaliter deservire, ut qui altari deserviant, vivant etiam de altari, secundum dictum Pauli, ipsi vero nunc necessitate compulsi, laici & exules sunt effecti. Ut autem vobis veritas plenius innotescat, Italici percipientes in Anglia Sexaginta millia Barratarum, & eo amplius annuatim (aliis perceptionibus diversis exceptis) plus emolumentum meri redditus de Regno reportant, quam ipse Rex, qui est tutor ecclesiæ, & Regni gubernacula moderatur. Porro post creationem vestram firmiter sperabamus, & adhuc speramus, eam de vobis fiduciam reportantes; quod vestra paternitatis misericordia mediante, gaudebimus eleemosynas nostras prædictas, tempore vestro fore statui debito & pristino reformandas. Sed tacere non possumus grabamen nostrum: quo non solum gravamur, sed etiam opprimimur ultra modum, videlicet quod Magister Martinus præfatus Regnum, sine domini Regis licentia, cum maiori Potestate, quam unquam vidimus habere Legatum à Domino Rege postulatam, nuper ingressus (licet non utens legationis insigniis, multiplicato tamen legationis officio) novas quotidie proferens potestates inaudatas excedens excedit: quadam beneficia jam vacantia, triginta Marcas, vel amplius, annuatim valentia personis Italici conferendo: quibus decedentibus, & patronis ignorantibus, alii supponuntur; & sic patroni sui collationibus defraudantur, adhuc etiam idem Magister Martinus beneficia consimilia, cum ea vacare contigerit, personis nitiur assignare: Quorundam beneficiorum collationem sedi Apostolicæ reservando, & à viris religiosis pensiones immoderatas insuper extorquendo, contradicentes & resistentes excommunicationis & interdicti sententiis passim, non absque magno discrimine & animarum periculo, supponendo. Cum igitur præfatus Magister Martinus, non sine

sine totius Regni perturbatione non modica, jurisdictionem exercens memoratam, quam à conscientia vestra credere non possumus emanasse, ed quod in multis majori fungeretur officio quam unquam fungi legatum aliquem videremus privilegio domini Regis admodum derogando, per quod ei à sede Apostolica specialiter indulgetur, nequis in Anglia legationis fungatur officio, nisi à domino Rege specialiter postulatus: Sanctæ paternitati vestre supplicamus quantum possumus humiliter & devote, quatenus, cum pius pater ad relevationem oppressionis filiorum manum misericordia teneatur extendere, ab oppressionibus & gravaminibus memoratis, nos velit vestra paternitatis benignitas tempestivo ac efficaci remedio, citò relevare. Quantumcumque namque dominus noster Rex, qui est princeps Catholicus, & iugi vigilatione obsequiis divinis intendit, corporis sui consumptionem non considerans, in obsequio Jesu Christi sedem velit Apostolicam revereri, & Ecclesiæ Romanæ, sicut filius ejus Charissimus, commodi & honoris desideret incrementum & augmentum; jure tamen Regio dignitateque Regia plenius conservari: nos tamen, qui in negotiis suis portamus pondus dierum & ætus, & quibus unum cum ipsi domino Rege, intendere conservationi Regni diligenter incumbit, dictas oppressiones Deo & hominibus detestabiles, & gravamina nobis intollerabilia, non possumus aequanimiter tolerare, nec per dei gratiam amplius tolerabimus, vestre pietatis remedio Mediantes; quod festinum & tempestivum, habere credimus & speramus; placeat igitur paternitati vestre hanc supplicationem nostram taliter exaudire quod à Dignatibus & universitate Regni Angliæ, tanquam à filijs in Christo Charissimis, speciales gratias debeatis merito reportare.

Henricus dei gratia, &c. Venerabili in Christo, tali Episcopo salutem. Licet alias vobis scripserimus, semel, secundo & tertio, tam per litteras nostras clausas, quam patentes, ne ad opus domini Pape vel alterius tallagium aliquod vel auxilium exigeretis à viris religiosi, clericis vel laicis, cum nullum hujusmodi tallagium vel auxilium exigi possi vel consueverit, sine magno præjudicio Regiæ dignitatis, quod nullo modo poterimus aut volumus sustinere: Vos tamen mandatum nostrum in hac parte contemneres, contra provisionem per Magnates nostros, tam Prælatos quam Comites & Barones factam in Consilio nostro Londonensi, & concessam, exactionem faciatis Memoratam super quo miramur plurimum & movemur, præsertim cum facto vestro proprio non erubescitis contraire, cum vos & alii Prælati in prædicto Concilio communiter concesseritis, quod nihil de exactione hujusmodi faceretis donec nuncii nostri & vestri necnon & aliorum Magnatum nostrorum & totius universitatis Regni nostri à Curia Romana redirent, qui pro liberatione oppressionum ad curiam illam, sicut nostis, fuerant specialiter destinati. Vobis igitur mandatis inculcatis mandamus injungentes, firmitus & districtius inhibentes, ne ad exactionem prædicti tallagii vel auxilii faciendam aliquatenus procedatis, sicut gaudere desideratis Baronia vestra, & possessionibus vestris, quas in Regno nostro tenetis; & si quid inde cepistis, extra regnum nostrum asportari nullatenus permitatis, sed illud salvo custodiri faciatis usque ad reditum nunciorum prædictorum, indubitanter scituri, quod si secus egeritis, nos ad possidendes vestras manum gravaminis, ultra quam credere velitis, extendemus; hanc autem inhibitionem, vobis injungimus faciendam Archiepiscopo & offi-

Ma. Paris
f. 708. n. 40.
N 174.

cialibus vestris, quam quidem pro libertate cleri, & populi facimus, novit Deus, &c.

Henricus Dei gratia Rex Angliæ, &c. præcipimus tibi, quod sicut te ipsum, & omnia tua diligis, non permittas, quod aliqui laici de Salubra tua ad v. lunateth Episcopi Lincolnienfis Archidiaconorum vel Officialium seu Decanorum ruralium, in aliquo loco conventant de cetero, ad cognitiones per sacramentum eorum, v. l. attestaciones aliquas faciendas, nisi in causis matrimonialibus vel testamentariis.

Sanctissimo patri in Christo ac domino J. Dei providentia summo Pontifici, universitas cleri & populi per provinciam Cantuariensem constituti, devota pedum oscula beatorum, cum Anglicana Ecclesia à tempore commendatæ sibi fidei catholice, Deo & sacrosanctæ Romanæ Ecclesiæ matri nostræ placere studens, adheret semper, & servierit devotè, à capitis obsequiis non recessura, per morum incrementa semper proficiens; Sanctitatis vestræ pedibus provoluta supplicat obnixè, quatenus in petitione pecuniæ, quæ diversimodè ab ea requiritur, in subventionem diversarum nationum, de mandato Sanctitatis vestræ cum gravi coertione, eidem pietas vestra parcere dignetur; importabile est namque quod mandatur, & impossibile propter rerum defectus: Licet enim Regio nostra fructus reddat interdum ad alimenta gentis suæ deputatos, æris tamen copiam non reddit, nec redderet per tempora multa quanta requiritur his diebus. Sed & onere simili, licet non tanto, præteritis diebus & ob causas similes prægravata, portare nequit aliquatenus quod exigitur, ad mandatum insuper sanctitatis vestræ tempore presenti, ad opus domini Regis nostri temporalis, (cui in necessitatibus suis deesse non possumus cum honestate, nec debemus) exigitur à clero succursus; ut incursum hostiles, quos avertat Deus, propulsare possit, & patrimonii sui jura tueri, ac recuperare promptius occupata. Latior igitur presentium cum supplicatione nostra, ad præsentiam Sanctitatis vestræ destinamus; ut pericula vobis exponant, & incommoda quæ in promptu sequerentur ex præmissis, & quæ nulla possumus ratione portare; licet sumus in omni vinculo charitatis obedientiæ & devotionis, vobis obligati; Et quia communitas nostra sigillum non habet, præfatas literas signo Communitatis civitatis Londinensis, vestræ Sanctitatis mittimus consignatas.

Reverendissimis

Reverendissimis patribus in Christo & Dominis, Sacrosanctæ Ecclesiæ Romanæ Cardinalibus, devoti sui, &c. Salutem, reverentiam debitam & honorem ad universitatem vestram, velut ad bases ecclesiæ Dei fulcientes humiliter supplicantes confugimus, & obnixè deprecamur, quatenus prelluras quibus mancipamur attendere dignantes, opem ferre velitis; ut post repetita gravamina, quæ Anglicanæ Ecclesiæ præteritis diebus occurrerunt respirare possit, ex hoc vobis assurgere teneamur ad debitas gratiarum actiones; à tempore namque ultimi Concilii Lateranensis, primò viciniori triennii in Subsidium Terræ Sanctæ; postmodum victima in Subsidium domini Papæ; postmodum præstationibus aliis diversimodè & ad usum diversos, de mandato Sedis Apostolicæ Anglicanæ Ecclesiæ pulsata profudit voluntate prompta quæ potuit habere ad manus. Regi etiam nostro ac patrono temporali, ad mandatum sedis Apostolicæ, iteratis vicibus secundum vires suas fecit succursum, & jam per præces vestras exigitur succursus iteratè ad opus ejusdem domini Regis, (cui in necessitatibus suis deesse, nec potest nec debet,) ut hostium incursum repellere possit, & Regni sui jura tueri, ac recuperare promptius occupata; postremo autem, petitur ab eadem Ecclesiæ diebus istis quod portare non potest, rerum penuria negante quod exigitur, ab aliis videlicet, mediocritas bonorum ab aliis teritis; & à reliquis viciniori omnium quæ possident; pars scilicet in usus Francorum, qui nos & gentem nostram persequuntur, ad conquestum Imperii Græcorum pars in Subsidium Terræ Sanctæ, quæ posset ut mundus clamat, cum minori discrimine rehaberi ab hostibus, pars autem ad usus alios, quos Apostolica sedes ordinaret. Durum quidem videtur nobis & absurdum, ut aliis abundantibus de bonis & laboribus nostris; nos & nostri, ac pauperes Regionis nostræ, quibus exhibitio propinquo competit, vacui jejuniemus. Hostiles etiam insidias & incursum quos Deus avertat, Rex noster & Regni militia repellere non valeret, nec posset pereuntibus & inopibus subveniri, ære Regni & arario vacuato; imò etiam & si venalia exponerentur omnia quæ clerus habet, non posset apud nos inveniri pecunia quæ exigitur. Sequerentur quidem infortunia multa ex præmissis; si ad ea, quod absit, cogere pro quibus vobis exponendis, præfatum latores nuncios nostros communes ad vestram clementiam destinamus; petentes attentè, quatenus propter Dominum & honorem sedis Apostolicæ, animum Domini Papæ, & manus vestras ac consilia à gravamine tali revocare velitis; providentes si placet, ut ad gremium & obedientiam matris Ecclesiæ sic revocetis errantes & dispersos, ne dispergatis, & alienos reddatis, prius in charitate & devotione collectos. Et quia communitas nostra sigillum non habet, præfatas literas signo communitatis Civitatis Londinensis vestræ Sanctitatis mittimus consignatas.

Henricus

Ibid. n. 20, 30.
N. 177.

Iron
r or
t.

205

* To fight
with great
Staves, Clubs,
or Batons.

* Mat. Pavia
f. 877. n. 50.
A. D. 1253.
H. 3. 37.

E.

Mat. Paris au-
 Har. Addita-
 ment. f. 230.
 n. 10. &c.
 N. 178.

ultimo scrutinium de armis, Comitatus predictis, & qui ultimo inde sacramentum ceperunt; & ubi rotuli de scrutinio illo, & sacramento fuerunt. Et rotulos illos habeas coram prefato Penico, predictis diebus, & locis; & in ipse tunc ibi sis in propria persona tua, ad exequendum ea quæ Henricus tibi ex parte nostra precipiet. Et si Ballivi libertatum qui returnum habent brevium nostrorum, istud mandatum nostrum executi non fuerint, non emittas quin libertates illas ingrediaris ad idem Mandatum exequendum. Teste meipso apud Portesmuthe Decimo octavo die Julii anno Regni nostri tricesimo septimo. Quare tibi mando, quod Mandatum istud sub amissione libertatis Domini tui diligenter exequaris.

11. 10.
78.

Henricus Dei gratia &c. Dilecto & fideli suo Henrico de Colevilla Salutem. Sciatis quod assignavimus vos ad Exponendum militibus, liberis hominibus, & aliis de comitatibus Canteburgie, Puntindonia, Hertfordie, & Essexie, quos coram vobis venire precipimus, ad dies & loca quos vicecomitibus eorundem Comitatum scire fecerimus; articulos quos vobis mittimus sub sigillo nostro, & ad providendum quod articuli illi firmiter observentur, ad pacis nostre conservationem. Et ad videndum quod singuli habeant arma ad quæ sunt jurati, & jurari debent. Et ad ponendum modo debito omnes quos resistentes vel rebelles, seu negligentes in premissis inveneritis. Et id eo vobis mandamus, quod ad dies & loca quos duxeritis providenda, in comitatibus predictis, sitis ad predicta facienda prout magis videritis expedire. Mandamus enim singulis Vicecomitibus predictis, quod ad dies & loca quos eis scire facietis, venire faciant coram vobis omnes milites, libere tenentes de comitatibus predictis, de qualibet villa quatuor homines, & præpositum, & de quolibet burgo duodecim legales Burghenses: & omnes illos qui jurati sunt ad arma, & jurari debent, cum armis suis, ad quæ jurati sunt & esse debent: ad audiendum & faciendum quæ eis ex parte nostra præceperitis. Et quod ipsi vicecomites in propriis personis suis, tunc sint coram nobis cum rotulis de ultimo scrutinio armorum facto, in eisdem Comitatus, ad exequendum quæ eis ex parte nostra præceperitis. Et si ballivi libertatum qui habent returnum brevium nostrorum, mandatum nostrum in hac parte executi non fuerint, non omittatis quin libertates illas ingrediamini, ad predictum mandatum nostrum exequendum. In cujus rei testimonium, has literas nostras fieri fecimus patentes. Teste meipso apud Portesmuthe vicesimo die Julii, anno regni nostri tricesimo septimo.

ARTICULI

Quod vigilie fiant per singulas villas sicut fieri consueverunt, & per viros probos & validos.

Quod sectæ de hereſibus fiant secundum antiquum debitum modum, ita quod negligentes & utelium sequi nolentes, capiantur tanquam consentientes malefactoribus, & liberentur Vicecomiti. Et insuper in qualibet villa provideantur quatuor homines vel sex, secundum quantitatem villæ ad uteliam promptè & instantè prosequenda; & ad malefactores prosequendos si supervenerint, & necesse fuerit cum arcibus &

Sagittis,

Sagittis, & aliis levibus armis, quæ debent provideri ad cultum totius villæ, & quæ semper remaneant ad opus predictæ villæ. Et super illos provideantur de quolibet hundredo duo liberi, & legales homines potentiores, qui sint superiores: & videant quod vigilie recte fiant, & prosecutiones predictæ.

Quod nullus extraneus hospitetur, nisi de die, & de die clara discedat.

Quod nullus extraneus receptetur in villis campeſtribus, ultra unum diem, vel duos ad plus, extra tempus messium, nisi hospes pro eo velit respondere.

Quod si aliquis malefactor, vel aliquis de quo mala suspitio habetur, capiatur per vigilatores, vel alios domini Regis fideles; vicecomes vel ballivus de hundredo, ipsum sine dilatione vel mercede aliqua recipiet.

Quod præcipiatur Bazozi & Ballivis singularum Cibitatum, & Burgozum, quod si aliquis Mercator vel Extraneus deferens pecuniam, & illam eis ostendat & conductum petat, quod faciant ei conductum per malos passus, & loca ambigua quod si aliquid amiserit, pro defectu conductus vel in eorum conductu, de villata burgi illius, vel cibitatis, ei restituatur.

Nos Bonifacius divina miseratione Cantuariensis Archiepiscopus, totius Angliæ primas, F. London, H. Eliensis, R. Lincolnensis, W. Wigorniensis, W. Norwicensis, P. Herefordiensis, W. Sarisberiensis, W. Dunelmensis, R. Exoniensis, S. Carleolensis, W. Bathoniensis, L. Rossensis, T. Menevensis Episcopi, Pontificalibus induti, candelis accensis, in transgressores libertatum ecclesiasticarum, & libertatum, seu libertatum consuetudinum Regni Angliæ, & præcipue earum quæ continentur in Charta libertatum Regni Angliæ, & charta de foresta, excommunicationis sententiam solenniter tulimus sub hac forma.

Auctoritate Dei omnipotentis, & filii, & spiritus Sancti, & glorioſe Dei genetricis semperque Virginis Mariæ, & beatorum Apostolorum Petri & Pauli, omniumque Apostolorum, & Beati Thomæ Archiepiscopi & Martyris, omniumque Martyrum, beati Edvardi Regis Angliæ, omniumque confessorum atque Virginum omniumque Sanctorum Dei, excommunicamus, anathematizamus, & à limine Sanctæ Matris ecclesiæ sequestramus, omnes illos qui amodo scienter & malefose ecclesiæ privaverint vel spoliaverint suo jure. Item omnes illos qui ecclesiasticas libertates, vel antiquas Regni consuetudines probatas, & præcipue libertates, & liberas consuetudines, quæ in Chartis communium libertatum Angliæ, & de foresta continentur, concessis à domino Rege Angliæ Archiepiscopis, Episcopis, & cæteris Angliæ Prelatis, Comitibus, Baronibus, Militibus, & libere tenentibus, qualicunque arte vel ingenio temerè violaverint, diminuerint, seu immutaverint, clam vel palam, facto, verbo, vel consilio contra illas vel earum aliquam, in quocunque articulo temerè veniendo. Item, in illos,

D d

qui

Mat. Paris
f. 866. n. 40.
50. 5c.
N. 179.

qui contra illas, vel earum aliquam, statuta aliqua ediderint vel edita servaverint, consuetudines introduxerint, vel servaverint introductas, Scriptores statutorum, nec non consiliarios & executores, & qui secundum ea præsumpserint judicare. Qui omnes & singuli superius memorati, hanc sententiam incursum se noverint ipso facto, qui scienter aliquid commiserint de predictis, qui verò ignoranter, nisi commoniti, infra quindenam à tempore commonitionis se correxerint, & arbitrio ordinariorum plenius satisfecerint de commissis, ex tunc sint hac sententia involuti. Eadem etiam sententia innodamus omnes illos, qui pacem Regis & Regni præsumpserint perturbare. In cuius memoriam sempiternam nos sigilla nostra præsentibus duximus apponenda.

Noverint universi quod Dominus Henricus Rex Angliæ illustris Rogerus Comes Herefordensis & Marechallus Angliæ H. Comes Hereford & Essex J. Comes de Warwick, Petrus de Sabaudia, ceterique Magnates Angliæ consenserunt in sententiam excommunicationis generaliter latam apud Westmonasterium decimo tertio die Maii anno Regni Regis prædicti tricesimo septimo in hac forma, Scilicet quod vinculo præfate sententiæ ligentur omnes venientes contra libertates contentas in cartis communium Libertatum Angliæ, & de Foresta, & omnes qui libertates Ecclesiæ Anglicanæ temporibus Domini Regis & prædecessorum suorum Regum Angliæ optentas & usitatas scienter & maliciose violaverint aut infringere præsumpserint, & omnes illi qui pacem Domini Regis, & Regni perturbaverint & similiter omnes qui jura & libertates Regis & Regni diminuerint, infringere, seu immutare præsumpserint & quod omnes venientes contra præmissa vel eorum aliqua ignoranter, & Legitime moniti infra quindenam post monitionem præmissam dictam transgressionem non emendaverint extunc prædictæ sententiæ excommunicationis subjacebunt. Ita tamen quod Dominus Rex transgressionem illam per Considerationem Curie suæ faciat emendari, sciendum autem quod si inscripturis super eadem sententia à quibuscunque confectis seu conficiendis aliud vel aliter appositum vel adjectum fuerit, aut articuli aliqui alii in eis contenti inveniantur, Dominus Rex & prædicti Magnates, & communitas populi protestantur publice in præsentia venerabilium patrum Pontificis dei gratia Cantuariensis Archiepiscopi totius Angliæ primatis, nec non & Episcoporum omnium in eodem colloquio existentium, quod in ea nunquam consenserunt nec consentiunt sed de plano eis contradicunt; præterea præfatus Dominus Rex in prolatione præfate sententiæ, omnes libertates & consuetudines Regni antiquas & usitatas, & dignitates & jura Coronæ suæ ore proprio specialiter sibi & Regno suo salvabit & exceptit. In cuius rei memoriam & in posterum veritatis testimonium, tam Dominus Rex, quam prædicti Committentes ad instantiam aliorum Magnatum, & populi præsentis scripto sigilla sua apposuerunt.

Alexander

Alexander Episcopus servus servorum Dei, Episcopo Herefordensi, &c. cum te sciamus pro utilitatibus Abbatis, & Conventus Sancti de Monasterii Sancti pro quibus ad sedem Apostolicam accessisti, magna oportere subire gravamina expensarum, ne pro defectu ipsarum eadem inexpedita remanere contingat; fraternitati tuæ contrahendi mutuum propter hoc, usque ad summam quingentarum, vel sexcentarum, vel septingentarum, vel amplius Marcarum sterlingorum, nomine dictorum Abbatis, & Conventus, & Monasterii, & ipsos Abbatem & Conventum, ac successores eorundem, & ejusdem Monasterii bona creditis obligandi, ac renunciandi constitutioni de duabus diebus editæ in Consilio generali, & beneficio restitutionis integram, & omnibus literis, indulgentiis Apostolicis, impetratis & impetrandis, nec non & conventioni iudicium, si ipsorum creditorum nomine Apostolicas literas super hoc cujuscunque tenoris in posterum impetrari contigerit, plenam auctoritate præsentium concedimus facultatem ita tamen quod ipsi & successores eorum creditoribus hujusmodi pecuniam solvere, nec non ad damna & expensas ac interesse, si à termino à te statuendo pecuniam eandem non solverint, super quibus juramento ipsorum vel eorum alicujus, sine aliqua probatione, qui dictam pecuniam mutuaverint credi volumus, teneantur, & dictis creditoribus prætextu alicujus constitutionis canonice, vel civilis, aut cujuscunque privilegii, vel indulgentiæ, de quibus in nostris literis plenam & expressam oportet fieri mentionem, & ne ipsi & successores eorum, amplius in aliquo valeant se tueri dictam pecuniam in utilitatem ipsorum Abbatis, & Conventus, & Monasterii versam esse, probandi necessitas non incumbat. Data, &c.

Alexander Episcopus servus servorum Dei, venerabili fratri Archiepiscopo Cantuariensi, & dilecto filio Magistro Rossando Subdiacono, & Capellano nostro salutem. Volumus & præsentium auctoritate mandamus, quatenus vos vel alter vestrum, redemtionis virorum cruce signatorum qui per deputatos ad hoc præsentium facultatem, & legatam indistinctè, nec non & obventiones ex quacunque causa procedentes, subsidio terræ Sanctæ in Regno Angliæ & aliis terris carissimis in Christo filii Nostri illustris Regis Angliæ, per vos vel per alios integre colligere, ipsaque in totis locis deponere, ac eisdem postmodum Regi ut votum crucis exequi valeat efficacius integre assignare curetis; contra dictos per censuram Ecclesiasticam, appellatione postposita, compescendo, non obstante, si personis aliquibus à Sede Apostolica sit indultum, quod interdicti, suspendi, vel excommunicari non possint per litteras Apostolicas, plenam & expressam aut de verbo ad verbum non facientes de indulto hujusmodi mentionem, & constitutione de duabus diebus in concilio generali. Data Neapoli * tertio Kalendarum Maii, Pontificatus nostri anno primo.

Asynd could not be at leisure to execute the Pope's Commands himself in all places (and the Arch-Bishop was beyond Sea) Therefore he committed the Execution of them to Alexander Canon of Hereford, and William de Res Rector of the Church of Dodelshurst, or to either of them in the Cities and Dioceses of Worcester, Hereford, and Coventry.

D d 2

Alexander

Mat. Park
fol. 114. n. 10, 11
N. 187.

Annal. Mon.
Her. Burbon.
f. 349.
N. 182.

* 29th of April

Ibidem.

fideliem executorem officii sibi injuncti Canonice moniti, decimam proventuum suorum, sine qua quod intendimus perficere non valeamus, hactenus reddere recularunt; sed nunc speramus, quod obediunt vestris in hac parte mandatis, sicut eidem Magistro Rudando firmiter promiserunt: hinc est igitur, quod inter hujusmodi angustias constituti, ad vestra circumspeditionis prudentiam recurrimus confidenter, rogantes vestram mansuetudinem ut si ita cito Capitaneum non mittimus sicut necessitas exposcit negotii, nos excusatos habentes, apud Dominum Papam & fratres super hoc excusare velitis. Sciens quod quilibet in hoc statu timet hoc negotium assumere illa potissima ratione quia inter ceteras condiciones illa habetur expressè, quod non eamus, nec mittamus aliquem donec de totali summa prædicta Domino Papæ & Ecclesiæ plene fuerit satisfactum; nec de isto impedimento Dominus Papa cum nobis nuper mandavit, ut statim deberemus mittere, fecit aliquam mentionem; nec tamen propter hoc omittimus quin super mittendo, sollicite laboremur, & vos de quo plene confidimus dignemini laborare, ut illa conditio quæ quasi inclinationem negotii continere videtur in melius reformetur, ad hoc igitur laborantes fideliter nobis per latorem præsentium quem super hoc & quibusdam aliis ad vos specialiter duximus destinandam celeriter rescribatis vestra beneplacitum voluntatis. Scituri quod promotio filiorum nostrorum est vestrorum exaltatio amicorum. Teste, &c.

Eodem modo scribitur Venerabili Patri J. Dei gratia Titulo sancti Laurentii in Lucina Presbytero Cardinali.

Eodem modo Venerabili Patri Domino Hugoni Titulo Sanctæ Sabine presbytero Cardinali.

Eodem modo Domino Willielmo Sancti Eustachii Diacono Cardinali.

Eodem modo Magistro Jordano Domini Papæ Notario.

Eodem modo scribitur Venerabili Patri Ottobono Sancti Andrea Diacono Cardinali.

40. H. 3.
Dor.
187.

Ex Willielmo Bonquer, salutem, de circumspeditionis vestra prudentia confidentes magna & ardua negotia vobis duximus committenda sperantes ut per vestra discretionis industriam nostra intentio, felicem sortiatur eventum, ea propter fidelitati vestre significamus, quod nostre intentionis existit & voti, ut talis in Regem Alemaniarum Eligatur qui Ecclesiæ Romanæ devotus & nobis dilectus existat, & maxime cum Gallici, sicut nobis in præjudicium nostri ad hoc aspirent, qui si, quod absit, assequantur quod optant, negotium Regni Siciliæ, quod ex corde prosequimur, ut tenemur, gravem possit incurere læsionem, unde huic periculo obviare volentes, Domino Papæ duximus supplicandum, quod unum de tribus Cardinalibus scilicet Dominum J. Titulo Sancti Laurentii in Lucina Presbyterum Cardinal. vel Dominum Hugonem Titulo Sanctæ Sabine Presbyterum Cardinal. aut Dominum Ottobonem Sancti Andrea Diacon. Cardinalem in Aleman. destinare digetur

tur ut per illius providentiam quem mittet, istud negotium feliciter ordinetur. Ad hæc vestra sciat discretio, quod cum teneamur Ecclesiæ Romanæ infra festum Sancti Michaelis proximo venturum solvere 135 millia Marcarum, quingentas & unam, & nihilominus illuc ire infra eundem terminum, vel mittere Capitaneum cum Militia Competenti juxta tanti negotii qualitatem, & propter casum qui de novo accidit legato in Regno Apul. & propter etiam captionem Com. Sabaud. infra tam brevem terminum neutrum complere possumus, Domino Papæ supplicamus humiliter & devotè quatenus dilectum nostrum Magistrum Jordanum Notarium suum, super prorogandis hujusmodi terminis ad nos mittat, & super hoc cum summa sollicitudine laboretis, exponentes Domino Papæ & fratribus qualiter infra festum beati Johannis Baptiste proximo venturum occasione istius negotii Octoginta millia Marcarum fere solvantur si quadraginta millia Marcarum, & unam mercatoribus Sen. Item MCC Sociis pillati pro quibus omnibus est decima obligata. Item fere 30 millia Mercatoribus qui habent Monasteria obligata, præter damna & expensas que bene ascendunt ad quinque millia Marcarum & ultra Propter quod eis probabiliter suadere potestis, ut pro restano satis possint & debent terminos prorogare, maxime cum interim nihilominus totis viribus studeamus, ut dicto negotio tam in pecunia quam militia celeriter succurramus, vel traditis cum Domino Papæ ut super decima nobis concessa Mercatores mutuent pecuniam, cum qua possit memoratum negotium sustentari; nam isto Anno, per Dei gratiam & industriam Magistri Rudandi erit ab obligationibus Mercatorum Senen. penitus liberata.

Ex omnibus &c. Cum pro negotiis nostris arduis nos & regnum nostrum contingentibus proceres & fideles regni nostri ad nos London in * Quindena Pasche proxima præterita faceremus convocari & cum de negotiis supradictis & maxime de profectione negotii Siciliæ diligenter cum eisdem tractaremus ac ipsi nobis responderint quod si statum regni nostri per consilium fidelium nostrorum ratificandum duxerimus & Dominus Papa conditiones circa factum Siciliæ appositæ melioraverit, per quod negotium illud prosequi possemus cum effectu, ipsi diligentiam fideliter apponent erga communitatem regni nostri quod nobis commune auxilium ad hoc prestetur nos eis concessimus quod infra Festum Natalis Domini proximum futurum per consilium Proborum & fidelium hominum nostrorum regni Angliæ, una cum consilio Legati Domini Papæ si in Angliam medio tempore venerit statum regni nostri ordinabimus & ordinationem illam firmiter observabimus & ad hoc fideliter observandum supponimus nos coercionem Domini Papæ ut nos ad hoc per censuram Ecclesiasticam prout expedire viderit valeat arare, protestamur etiam quod Edwardus filius noster primogenitus prestito sacramento corporali per literas suas concessit quod omnia superius expressa quantum in ipso est fideliter & inviolabiliter observabit & in perpetuum observari procurabit, In cuius &c. his Testibus Edwardo filio nostro primogenito Galfrido de Lezignan Willielmo de Valentia fratribus nostris Petro de Sabaudia Johanne de Plessetis Comite Warwick Johanne Maunell Thesaurario Eborum Henrico de Wingham Decano Sancti Martini London Petro de Rival Guidone de Rocheford Roberto Malerand pre-

Pat. 41. H. 3.
M. 10.

N. 188.

* Note, Quindena Pasche was and is Sunday fortnight after Easter-day, which was the Sunday before Hock-Tuesday, so that this Parliament did not meet after, but two days before that Tuesday.

E e

sentibus & multis aliis Comitibus Baronibus regni nostri Dat. apud Westmonasterium secundo die Maii.

R Ex omnibus &c. Noveritis nos concessisse Proceribus & Magnatibus regni nostri juramento in animam meam per Robertum Catherand prestitum quod per duodecim fideles de consilio nostro jam electos & per alios duodecim homines fideles nostros electos ex parte Procerum ipsorum qui apud Wintoniam a festo Pentecostes proximo futuro in unum mentem convenient ordinetur rectificetur & reformetur status regni nostri secundum quod melius viderint expedire ad honorem dei & ad fidem nostram ac regni nostri utilitatem & si forte aliqui Electorum ex parte nostra absentes fuerint liceat illis qui presentes fuerint alios substituere loco absentium & similiter fiat ex parte predictorum Procerum & fidelium nostrorum & quicquid per 24 utrimque Electos & super hoc juratos vel majorem partem eorum circa hoc ordinatum fuerit inviolabiliter observabimus. Volentes & firmiter ex nunc precipientes quod ab omnibus inviolabiliter observatur eorum ordinatio & securitatem omnimodam quam ipsi vel major pars eorum ad hujus rei observationem providerint vel providerit eis sine qualibet contradictione plene faciemus & fieri procurabimus protestamur etiam quod Edwardus filius noster primogenitus prestitum sacramento corporali per literas suas concessit quod omnia superius expressa & concessa quantum in ipso est fideliter & inviolabiliter observabit & in perpetuum observari procurabit, promiserunt etiam nobis Comites & Barones memorati quod expletis negotiis superius tatis bona fide laborabunt ad hoc quod auxilium nobis commune prestetur à communitate regni nostri. In cuius &c. hiis Testibus ut supra Dat. 2^o die Maii.

H Eni, par le grace Dieu Roi Dengleterre &c. a touz ceus &c. Sachez qe par le profit de nostre Reaume e a la requeste de nos barons homes & Prodes homes e du comun de nostre Reaume etreyames qe vinte quatre de nos homes ensent poer qe qe tout ce qil ordeneraient del estat de nostre Reaume fust ferm e estable e ce feimes jurer en nostre alme e donames de ce nos lettres overtes Et ce meismes jurra Edward nstre sieuz einz e de ce dona ses lettres overtes Les queus vinte quatre desus nomez esflurent quatre as queus quatre il donerent leur poer de eslire nostre conseil des Prodes homes de nostre terre Le quel conseil nos avins promis & prometuns cratre e al adrecement e al amedement de toutes les besoignes qe apartiegent a nos e a nostre Reaume & nos voluns qe li avant dit conseil ou la greinure partie puissent eslire prode home ou prode homes qe soient en lieu de celi ou de ceus qui defrauderunt Et nos averun ferm e estable quanque lavant dit conseil ou la greinure partie fera E commandum serment qe touz nos feaus e nos homes ausi laient & soient tenus serment garder touz les establissemens li queus ils ferant al honur de deu e nostre foi e au profit de nostre Reaume Et en tesmoignance de ceste chose nos avins fet nostre seel a ceste presente lettre Ceste chose fu fete a Lundr l'apdemaigne prochain apres la gaule haut lan de nostre corounement quarante secund. Ceste lettre est double e lieré al Cunte le Marechal par le Roi e sun Conseil.

La form del Serment kele Gardeins des Chasteus D'engleterre Suzescriz denient faire.

A L juirunt sur Saintes Ewangilles ke eus les Chasteus le Rei leaument & en bone foi garderunt al oes le Rei & a ses eirs & k: eus les rendrunt al Roy ou a ses eirs & a nul autre & ce par sun conseil & en nule autre manere, cest a seneir par prudens homes de la terre esleuz a sun conseil ou par la greinure partie & ceste surme desus escrete durra drekes a duzze ans & dilenkes en auant par cest establissemint & ce Serment ne seent cointreint ke franchement nul puissent rendre al Rey ou a ses eirs Rei D'engleterre.

Pat. 42. H. 3.
M. 6.
N. 191.

B Rex omnibus ad quos presentes Litere pervenerint Salutem Sciatis quod de Consilio Magnatum nostrorum commissimus Dilecto & fideli nostro Ricardo de Grey castrum nostrum Doverr. cum pertinentiis custodiendum in forma per Nos & ipsos Magnates provisa. In cuius &c. Teste Rege apud Oxonium vicesimo secundo die Junii.

C Et Mandatum est Nicholao de Mel, quod dictum castrum cum pertinentiis eidem Ricardo liberet custodiendum sicut predictum est, una cum instauro & armaturis ejusdem castri per Chirographum inter ipsum Nicholaum, & Richardum predictum. In cuius &c. Teste ut supra.

Eodem modo commissum est Castrum Northampton cum pertinentiis Radulpho Basset de Sabecot custodiendum in forma predicta. In cuius &c. Teste ut supra.

D Et Mandatum est Hugoni de Manby quod Castrum illud ei liberet una cum Instauro, &c. ut supra.

Eodem modo commissum est Stephano Lungespepe Castrum de Corf. cum pertinentiis custodiendum in forma predicta.

Et Mandatum est Elpe de Rabayne quod Castrum illud ei liberet una cum Instauro &c. ut supra.

E Eodem modo commissum est Gilberto de Saunt Castrum de Scardeburgh cum pertinentiis custodiendum in forma predicta.

Et Mandatum est Roberto de Nevil quod Castrum illud ei liberet una cum Instauro &c. ut supra.

F Eodem modo commissum est Willielmo Bardolph Castrum de Nottingham cum pertinentiis custodiendum in forma predicta.

Et Mandatum est Willielmo de Grey quod Castrum illud ei liberet una cum Instauro &c. ut supra.

Eodem modo commissum est Johanni de Grey Castrum de Beresford cum pertinentiis custodiendum in forma predicta.

Et Mandatum est Henrico de Penebrig quod Castrum illud ei liberet una cum Instauris &c. ut supra.

Eodem modo commissum est Henrico de Tracy Castrum Exon cum pertinentiis custodiendum in forma predicta.

Et Mandatum est Roberto de Paytenin quod Castrum illud ei liberet una cum Instauris &c. ut supra.

Eodem modo commissum est Roberto Walter & Castrum Sarum cum pertinentiis custodiendum in forma predicta.

Et Mandatum est Johanni de Vernun quod Castrum illud ei liberet una cum Instauris &c. ut supra.

Eodem modo commissum est Hugoni le Bigod Justiciario Turris London, cum pertinentiis custodiendum in forma predicta.

Et Mandatum est Imberto Pugeis quod Turrimillam ei liberet una cum Instauris &c. ut supra.

Eodem modo commissum est Ricardo de la Rokete Castrum de Padlegb cum pertinentiis custodiendum in forma predicta.

Et Mandatum est Ebuloni de Geneur quod Castrum illud ei liberet una cum Instauris &c. ut supra.

Eodem modo commissum est Willielmo de Clar. Castrum Winton cum pertinentiis custodiendum in forma predicta.

Et Mandatum est Jacobo le Sauuage quod Castrum illud ei liberet una cum Instauris &c. ut supra. postea obiit idem Willielmus, & die dominica post festum Beati Petri ad vincula, venit ex parte ejusdem Willielmi Johannes Extraneus junior coram Rege, & Consilio suo, & reddidit ei Castrum predictum Winton; Et Rex eo die de Consilio suo commisit idem Castrum cum pertinentiis Simoni de Monteforti Comiti Leycestrie custodiendum in forma predicta. Et Mandatum est Thome de Don Constabulario ejusdem Castri, quod eidem Comiti Castrum illud liberet custodiendum sicut predictum est.

Eodem modo commissi sunt Ricardo de Grey Quinque Portus Regis cum pertinentiis custodiendi, in forma per Regem & Magnates predictos provisa. In ejus &c. Teste Rege apud Oxon. vicesimo tertio die Junii.

Et Mandatum est Nicholao de Molis quod predictos quinque Portus ei liberet custodiendos sicut predictum est.

Et Mandatum est Baronibus & probis Hominibus Regis de Sandvico, Bertha, Doboz, Hasting, & Romenal quod eidem Ricardo tanquam Custodi Quinque Portuum predictorum in omnibus que ad custodiam illam pertinent, intendentes sint & Respondentes sicut predictum est. In ejus &c. Teste ut supra.

Eodem

Eodem modo commissum est Rogero de Saundford Castrum de Pogceste cum pertinentiis custodiendum in forma per Regem et Magnates provisa. Teste ut supra. Et mandatum est Willielmo de Trublevill quod Castrum illud ei liberet una cum Instauris, &c. ut supra.

Eodem modo commissum est Petro de Monteforti Castrum de Bruges cum pertinentiis custodiendum in forma per Regem & Magnates provisa. In ejus &c. Teste ut supra.

Eodem modo commissum est Johanni filio Bernardi Castrum Dron. cum pertinentiis custodiendum in forma predicta. In ejus. Teste ut supra.

Et Mandatum est Magistro Waltero Giffard quod Castrum illud ei liberet una cum Instauris &c. ut supra. Teste Rege apud Oxon. vicesimo septimo die Junii.

Eodem modo commissum est Stephano Lungespeye Castrum de Shyzeburne cum pertinentiis custodiendum in forma predicta. In ejus &c. Teste Rege apud Winton undecimo die Julii.

Et Mandatum est Waltero de Bruges quod Castrum illud cum pertinentiis ei liberet una cum Instauris, &c. ut supra. Teste ut supra.

Rex Richardo Comiti Gloucestrie et Hertfordie Salutem Cum nuper concesserimus Proceribus & Magnatibus regni nostri juramento firmato in animam nostram quod per duodecim fideles de consilio jam electos de quibus vos estis unus et per alios duodecim fideles nostros electos ex parte ipsorum Procerum fiat reformatio et ordinatio status regni nostri ad honorem dei * fidem nostram & utilitatem regni nostri secundum quod melius viderint expedire Et nihilominus promissimus predictis Proceribus & Magnatibus nostris quod reformationem et ordinationem per predictos 24 faciendum ratam habebimus & firmam & ipsam faciemus teneri et inviolabiliter observari vobis mandamus in fide et dilectione quibus nobis tenemini et sub debito juramenti nobis prestiti quatinus ad reformationem et ordinationem predictas procedere non omittatis indilate cum aliis sicut volueritis nostram et nostrorum heredum indignationem vitare in perpetuum. Nos enim vobis firmiter promittimus pro nobis et heredibus nostris quod si ad hujusmodi reformationem et ordinationem sicut superius est expressum processeritis in nullo nos vel heredes nostri contra vos vel vestros futuris temporibus movebimus, sed nos et predicti heredes nostri in hac parte vos conservabimus indempnes. In ejus &c. Teste Rege apud Oxonium vicesimo secundo die Junii.

Consimiles literas habet F. London. Episcopus.
Consimiles literas habet Henricus de Wengham Decanus Sancti Martini London.

Rex

Pat. 42. H. 3.
M. 6.
N 192.

* Eldernostre, was the Faith and All grace which the Barons swore to the King when they did homage, or at other times.

Rex Johanni Mansel Theſaurario Eborum Salutem cum &c. ut ſupra uſq; quod reformationem & ordinationem per prædictos 24 (& tunc) vel maiorem partem eorum faciendam ratam habebimus, &c. uſq; in perpetuum, & tunc ſic prætere cum vos una cum Comite de Mar-
 wigio Rogero le Bigod Comite Norfolciæ & Mareſcallo noſtro Angliæ & Hugone le Bigod electi ſitis à prædictis 24 ad nominandum illos qui de noſtro eſſe debent conſilio & poſtmodum ad illos in quos vos quatuor vel tres veſtrum concordaveritis aliis coſordinatoribus noſtris preſentan-
 dos ut vos omnes ſimul vel maior pars veſtrum ipſos ad noſtrum conſi-
 lium deputandos confirmetis vel infirmetis. Vobis precipimus firmiter injungentes in fide qua nobis tenemini quatinus una cum dictis Comitibus & Hugone prædicto ad prædictum conſilium noſtrum ſicut ſuperius eſt expreſſum nominandum prout Dominus vobis inſpiraverit indilate pro-
 cedatis ſicut noſtram & Heredum noſtrorum vitare volueritis indig-
 nationem nos enim vobis firmiter promittimus pro nobis & heredibus noſtris quod ſi ad huiusmodi ordinationem & reformationem & conſilii noſtri nominationem ſicut ſuperius eſt expreſſum proceſſeritis in nullo nos, &c. ut ſupra teſte ut ſupra.

Conſimiles literæ diriguntur Rogero le Bigod Comiti Norfolciæ & Mareſcallo Angliæ.

Conſimiles literæ diriguntur Hugoni le Bigod Juſtitiario Angliæ.

Conſimiles literæ diriguntur Johanni de Pleſſetis Comiti Marſhali.

Rex omnibus &c. Salutem Sciatis nos ſuſcepſiſſe in ſalvum & ſecu-
 rum conductum noſtrum dilectos fratres Ademarium Winton.
 electum Guidonem de Lezignan. Galfridum de Lezignan, & Williel-
 mum de Valencinis cum tota familia ſua in eundo ad partes transma-
 rinas citra diem dominicam proximam poſt feſtum * translationis Sancti
 Thome Martiris proximo futurum. Et ad ipſos conducendos uſque Do-
 vorr' & ſic verſus Wyland' quantum poteſtas noſtra ſe extendit, assigna-
 bimus dilectos & fideles noſtros Humfridum de Bohun Comitem Here-
 fordie & Eſſexie Johannem Comitem Marſhali & Willielmum de
 Fortibus Comitem Albemarle & quosdam alios nobiles de regno noſtro.
 Et ideo vobis Mandamus quod dictis fratribus noſtris aut familiaribus ſuis
 in divertendo per vos in conductu prædictorum nobilium nullum interim
 inferatis aut ab aliis inferri permittatis dampnum moleſtiam impedi-
 mentum aut gravamen. Et ſi quid eis foriſactum fuerit id eis ſine dila-
 tione emendari faciatis. In cujus &c. Duratur. uſque ad diem domini-
 cam proximam poſt feſtum Translationis prædictæ. Teſte Rege apud
 Winton. quinto die Julii.

Literæ

Literæ Miſſæ a Comunitate Angliæ Domino Papæ
 A. D. 1258.

Sanctiſſimo Patri in Chriſto Alexandro, divina providentia Sanctæ
 Univerſalis Eccleſiæ ſummo Pontifici communitas Angliæ, cum
 ſubjectione debita, pedum oſcula beatorum. Nuper veſtra Sanctitas, tam
 per literas quàm per venerabilem virum magiſtrum Ricardum Subdiaco-
 num & Notarium, nos multipliciter monuit, & induxit; ut Dominum
 noſtrum illuſtrem Regem Angliæ, in proſecutione regni Siciliæ ſuave-
 remus; ſibi commune Subſidium ſuper hoc faciendum. Licet ante id in
 Dominum noſter Rex, abſque noſtri concilio & aſſenſu, immo nobis re-
 clamantibus & invitis, hoc negotium aſſumpſiſſet, quod ſibi impoſſibile
 propter difficultatem conditionum, & alia quæ ſtatum noſtrum reſpici-
 bant, penitus credebamus. Ob reverentiam tamen Apoſtolicæ ſedis &
 veſtræ, Domino Regi diximus reſpondendum, quod ſi de prædictum &
 Magnatum ſuorum conſilio, regnum ſuum in multis multipliciter de-
 tormatum; veſlet in melius reformare, & vos conditiones in privilegio
 veſtro contentas, vires ipſius Regis excedentes, quodammodo mitigare
 velletis; quod juxta mitigationem & reformationem huiusmodi, op-
 tatus exiens negotii ſperaretur, ipſi præberemus & operam & effectum:
 ut Rex, negotium quod ſine nobis aſſumpſerat, per veſtrum auxilium poſſet
 perducere ad effectum. Cæterum præſatus Dominus Rex attendens im-
 poſſibile, pondus negotii memorati, & ſtatum regni ſui imbecillum;
 * voluit & expreſſe conceſſit ut de prædictum & Magnatum conſilio
 (ſine quibus regnum ſuum gubernare non poterat, nec negotium proſequi
 memoratum) dicta reformatio proveniret. Hæc videlicet modo, ut
 * quoddecim ex parte ipſius electi, & alii totidem ex parte Comuni-
 tatis nominati; diſponerent, ſtatuerent, ac etiam ordinarent ſuper
 melioratione & reformatione regni Angliæ & ipſum regnum contingen-
 tibus prout eis melius (expediens) videretur. Promittentes tam ipſe
 quam Dominus Edwardus primogenitus ſuus, affirmantes propriis jura-
 mentis, quod per prædictos viginti quatuor vel maiorem partem eorum
 ordinatum exiſteret; inſolubiliter obſervaret. Facturi & procura-
 turi ſecuritatem omnimodam, quam ipſi viginti quatuor vel maior pars
 eorum ſuper hoc fieri providerent; utrum cum inter duodecim ex parte Do-
 mini Regis Electos, Ricardus Wintonienſis & fratres ſui nominati fuiſ-
 ſent, idem Ricardus qui ſalutis ſuæ immemor, & inſtigilans perturbati-
 onem regni & diſpendiis, potius quàm reformationi; regem ipſum ſollici-
 tavit, & toto poſſe induxit; eidem immenſam promittens pecuniam
 (etiam uſque ad Exinanitionem ſubſtantiæ & facultatum Wintonienſis Ec-
 cleſiæ) ut ſpro ſuſcepto ſuſcepto proprio, à promiſſionibus huiusmodi reſi-
 ſt; in regni ſui grave diſpendium & irreparabile detrimentum.
 Cumque per hanc viam diſiderium intentionis ſuæ explere non poſſet, ad
 alia ſe convertens, Dominum Edwardum & quosdam alios de nobilio-
 ribus totius regni animavit, & quantum in ſe fuit ſtimulavit; ad ſub-
 verſionem totius regni; quaſi necesse eſſet eſſet eſſet eſſet eſſet eſſet eſſet eſſet
 conſuſſet. Ut de illo poſſet vere dici, Eſt vir qui turbavit terram, &
 concuſſit regnum. Nam cum ad reformationem qui nunc nominati fue-
 rant, ſtudio vigilantia intendere, prædictus Ricardus & fratres ſui, nunc
 per ſubterfugia, nunc per alias cavillationes varias, Eventum reforma-
 tionis huiusmodi retardabant: Sed mentita eſt ſibi iniquitas. Quia quanto
 plus conabantur negotium impedire, tanto ſerventius & conſtantius alii zelo
 reipublicæ

Additamen.
 Mat. Paru
 f. 215. n. 40.
 And in his Hi-
 ſtory f. 978.
 n. 10. there
 only mentio-
 ned.

N. 195.

* See here in
 this Appendix
 N. 188. 189.

* See there.

reipublice inflammati, instanti vigilia & propensiori vultu, illud promovere studebant. Attendentes, quod firma coherencia fidelis esse non potuit, ubi non est tenax unio voluntatum; & ipsorum conglutinationi animarum. Sed quid ultra? predictorum electi & fratrum suborū, tam graves erant excessus & grandes, quod clamor pauperum ad cœlum ascenderet contra ipsos. Ipsorum enim Ministri & Officiales, qui potius Prædones & Satellites dicebantur, undique deprædabantur pauperes, insidiabantur simplicibus, movebant impios, opprimebant innocentes, exultabant in rebus pessimis; latabantur cum male fecissent, peccata populi comedentes luxuriabantur in lachrymis viduarum, in nuditate pupillorum, in oppressione subditorum gaudentes. Et in tantum ipsorum effrenata rabies invaluerat quod nec sub ipsis minores vivere poterant, nec cum ipsis conversare pares; nec super ipsos impares majores. Nos igitur attendentes quod res publica corpus quoddam est, quod divini muneris beneficio vegetatur, & summæ æquitatis nutu agitur, & regitur quodam moderamine rationis; nec expedit quod in uno corpore dissonantia sit membrorum: dictos electum & fratres, tanquam turbatores quietis & tranquillitatis regni totius, post multas instantias & frequentes monitiones vocavimus, & vocari per Regem fecimus: ut iudicio sisterent suis querelantibus responsuri, juxta consuetudinem Regni & Leges. Ita quod duo ex ipsis quos malleant, exirent, reliquis duobus remanentibus: qui pro se & aliis responderent; ac si sibi magis expediens crederent, regnum omnes exirent. Qui suis culpis exigentibus subire iudicium formidantes maluerunt exire quam iudicii rigorem expectare. Sed nec adhuc nobis & regno nostro, super hoc plene non tantum cautum existeret, si Electus (cui totius turbationis materiam merito imputamus) rediret in Angliam. Cujus præsentia subita posset evertere, quicquid nostra sollicitudo multis vigiliis & infinitis laboribus studuit ordinare. Unde fixum est propositum omnium, & accensum desiderium singulorum; quod ille auctor schismatis, homo dissensionis & Scandali, inter nos deinceps nullatenus converteretur. Quia igitur præfatus Electus & fratres, Regem & Dominum Edwardum infatuaverant, adeo quod non solum, insolentia remanebant penitus impunita, sed quod pejus est, & verecundum dicere terribileque audire, si quis contra ipsos vel eorum alterum differret in iudicio questionem; Rex qui delinquentem punire & delictum corrigere tenebatur, ipsos in suis facinoribus nutrens contra conquerentem mirabiliter turbabatur: Et cui iudex debebat esse propitijs, ad eorum suggestionem fiebat adversarius, & nonnunquam terribilis inimicus: ita quod fulciti Regis potentia & favore, quos volebant opprimebant: Communitates & libertates Ecclesiarum dampnabiliter violando, homines incarcerando, Clericos vulnerando in præjudicium Coronæ (cui soli competit hujusmodi incarcerationatio) laxatis habenis nequitie debacchando per Regnum, pro sue libito voluntatis. Unde si (quod absit) electus rediret in Angliam, pejora prioribus probabiliter formidamus. Sanctitati vestræ igitur omni affectione qua possumus, supplicamus, quatenus sicut unitatem & pacem Regni Angliæ (quod semper vobis extitit devotum & existit) diligitis, sapie dictum electum ab administratione Wintoniensis Ecclesiæ quæ ex munificentia Sedis Apostolicæ sibi concessa fuerat amoveatis omnino. Et magis Expediit, quod istud fiat sine scandalo, de vestra plenitudine testatis; quam (quod Deus avertat) occasione ipsius pejora contingant; & nos vestri devotissimi, aliud facere compellamur, scituri pro certo, quod etiamsi Dominus Rex & Regni Majores hoc vellent, Communitas tamen ipsius ingressum in Angliam jam nullatenus sustineret, potius enim

enim seirent in ipsum, quam quod ipsius intolerabilem sevitiā expectarent. Quin immo, omnibus regnicolis onerosum, & toti regno dispendiosum Existeret; Si proventus de quo regnum infestare disposuit, periret. Quod & omnes qui qualitatem n. gotii noverant attestant. Et certe (clementissime Pater & Domine) hoc satis credimus sine scandalo faciendum; cum non sit in Episcopum consecratus: sed tantum sibi administratio est concessa. Super hijs autem & alijs, quæ nuncii nostri latore presentium, Sanctitati vestræ exponunt, fidem indubitam adhibere velitis; petitiones nostras quas per ipsos vobis offerimus (si placeat) ad exauditionis gratiam admittentes. Et nos R. de Clare Glouerniæ & Herefordiæ. S. de Monteforti Legitiæ, E. Wygod Marecastellus Angliæ, H. de Bohun Hertfordiæ & Essexiæ, W. Alvenmarle, J. de Placeto, G. de Comites, H. Wygod, Justiciarius Angliæ, P. de Sabaudia, J. filius Galfridi, Jacobus de Audley & Petrus de Monteforti. Vice totius Communitatis, presentibus literis sigilla nostra apposuimus, in testimonium predictorum. Conservez incolumitatem vestram altissimus per tempora longiora.

Magnates * igitur formidantes ne Electus Wintoniensis Romam properaret, & infinita promissa Papæ & Cardinalibus pecunia, suam procuraret consecrationem; ut sic efficacior esset ad nocendum: Elegerunt sibi quatuor Milites peritos, & facundos, & fide dignos; qui hanc prenotatam Epistolam Romam deferrent; & Papæ & toti Curie presentarent Romanæ. In cujus tenore continetur, ut eisdem fides adhibeatur indubitata. Habebant autem de Denariis Electi memorati, mille marcas absconditis pro eorum nunciorum labore, ad sua viatica, & alia sibi necessaria exhibenda. Transalpinati cum venissent Parisiis, insinuat unus eorum videlicet, Petrus de Branche Obiit. Unde non medicriter doluerunt: Nihilominus alii tres tantum iter incipium continuerunt. Et cum Romam pervenissent, causam sui itineris Domino Papæ plenius monstraverunt addentes quædam alia enormia, & maxima facinora, quæ perpetraverant predicti electus & fratres ejus. Videlicet de homicidijs, rapinis, & varijs injurijs, & oppressione, nec voluit Rex impetus eorum refranare. Nec pretermiserunt injuriam magnam quam fecerant Magistro Eustachio de Len, officiali Domino Cantuariensis Episcopi: Ubi vel omnes dicti fratres, vel major pars dicitur interfuisse. Pro qua offensa maxima, excommunicati fuerunt omnes, qui tanto facinori interfuerunt per totam provinciam Cantuariensem & Oxoniæ coram Universitate. Recitatumque est quod unus fratrum (scilicet Galfridus) Coquum Regis allavit & excogitatis tormentis, usque ad mortem Crucavit. Ad quorum auditum, omnes audientes auras suas continentes, obstupuerunt.

Ex Vicecomiti Dorset. Salutem. Cum nuper in Parlamento nostro Oxon. Communiter fuit ordinatum, quod omnes Excessus, transgressiones, & injuriæ factæ in nostro regno inquirantur per quatuor Milites singulorum comitatuum, ut cognita inde veritate facilius corrigantur. Qui quidem quatuor Milites ad prædictam inquisitionem fideliter faciendam, corporale præsent sacramentum in pleno Comitatu, vel coram Vicecomite & Coronatoribus, si Comitatus ille in proximo non teneatur. Mandavit dilectis & fidelibus nostris Aluredo de Lincoln. Ivoni de Rocheford Johanni

* Aditamen. Mat. Paris. f. 117. n. 30, 40.

These 1006 Marks were plundered from him by Richard Gray Constable of Dover Castle. Hist. f. 973. n. 40. notwithst standing the Kings Inhibition and safe Conduct, here in the foregoing Num. 194.

Pat. 41. H. 3. M. 3. N. 196.

J hani de Strada, & Willielmo de Kaynes de Comitatu tuo quod prestito prius hujusmodi Sacramento sicut prædictum est per Sacramentum proborum & Legalium hominum de eodem Comitatu per quos rei veritas melius sciri poterit diligenter inquirent per dictum Comitatum, de omnimodis excessibus, transgressibus, & injuriis in eodem Comitatu à temporibus retroactis, per quasque personas, vel quibuscunque illatis, & hoc tam de Justiciariis, Vicecomitibus, quam aliis Ballivis nostris & ceteris quibuscunque personis, Sicut in literis nostris dictis, fidelibus nostris inde directis, plenius continetur. Ita quod inquisitionem inde factam sub sigillis suis & sigillis eorum per quos facta fuerit, deferant apud Westmonasterium in Octabis Sancti Michaelis in propriis personis suis liberandam consilio nostro ibidem. Et ideo tibi præcipimus in fide qua nobis teneris quod accepto à prædictis Militibus corporali Sacramento in forma prædicta, venire facias Coram eis illos quos tibi nominaverint, & tot & tales Milites, & alios prædicti Comitatus, per quos inquisitio prædicta melius fieri possit ad dies & loca que tibi assignaverint, & hoc sicut corpus tuum & omnia tua diligis non omittas. Ne sopro defectu tui vel inquisitorum dicta inquisitio retardetur, vel aliquatenus impediatur ad corpus tuum & terras & Catalla tua graviter capere cogamur. Teste Rege apud Westmonasterium quarto die Augusti.

Per Consilium Regis.

In forma prædictarum literarum patentium Scribitur quatuor Militibus singulorum Comitatum subscriptis. Et in forma prædictarum literarum Clausurarum scribitur singulis Vicecomitibus Anglie.

Per Consilium Regis.

Northumb.

Roberto de Kamon,
Johanni filio Simonis,
Johanni de Plestetis,
Thome de Fenwyke.

Wiltsh.

Simoni de Ribbefort,
Willielmo Corbet,
Ignardo de Elmerugg,
Ricardo de Ambresleye.

Essex.

Ricardo Filloyl,
Henrico de Bello-Campo,
Ricardo de Tany,
Ricardo de Herlawe.

Lept.

Auketino de Martinal,
Willielmo de Keleby,
Petro le Poter,
Eustachio de Folevil.

South.

Johanni Lancelonee,
Johanni de Bottelee,
Thome de Gymiges,
Radulpho de Haryngot.

Wint.

Willielmo le Moyne,
Waltero de Waffingley,
Simoni de Copmanford,
Baldewino de Drayton.

Dron.

Dron.

Stephano de Cheyndur,
Henrico filio Roberti,
Alano filio Reynardi,
Petro Foliott.

Glouc.

Nicholao Burdun,
Ade de Aston,
Johanni le Brün,
Henrico Mustel.

Wott.

Hugoni de Capella,
Simoni de Hedon,
Simoni de Aflaketon,
Willielmo de Morreyne.

Staff.

Roberto de Haldon,
Ade de Brymton,
Willielmo Bagod,
Pagano de... askepeys.

Derb.

Willielmo de Muntgomery,
Ricardo de Vernun,
Ricardo de Rossa,
Willielmo filio Herberti.

Bucks.

Rogero de Aumary,
Simoni de Sancto Lycio,
Willielmo Russel,
Arnaldo Biser.

Ebor.

Willielmo de Barton,
Willielmo de Buketon,
Maugero le Vavasur,
Thome de Bellaye,
Nicholao de Bolteby,
Simoni de Lilling.

Pert.

Roberto de Ross,
Alexandro de Amundevil,
Galfrido de Childwyk,
Henrico de Holewel.

Ranc.

Simoni de Kryollis
Fulconi Peyforer,
Johanni de Sandwico,
Galfrido de Scoland.

Somerset.

Johanni de Aure,
Willielmo Eyerard,
Willielmo de Stanton,
Philoppo de Cantelu.

Wilt.

Henrico Husee,
Godefrido de Skerdemor,
Willielmo Husee de Kyntenton,
Ricardo de Soles.

Westmoz.

Johanni de Morevil,
Roberto de Askeby,
Patrio filio Thome,
Roberto de Stirkeland.

F f 2

Salop.

Salop.
Thome de Roshale,
Waltero de Hopton,
Ricardo Tyrell,
Roberto de Lacy.

Corumb.
Reginaldo de Boterell,
Gervasio de Horncot,
Radulpho de Arundel,
Alano Blochyon.

*Quia non fuerunt idonei sicut P. de
Monefforti mandavit.*

North.
Eustachio de Watford,
Thome filio Roberti,
Galfrido de Mara,
Johanni de Wedon.

North.
Fulconi de Kerdeston,
Haimoni Hautein,
Willielmo de Stalham,
Hamoni Burd.

Canteb.
Philippo de Insula,
Willielmo de Bokeworth,
Johanni de Cotcham,
Thome de Laveham.

Surr.
David de Jarpenvil,
Johanni de Wauton,
Johanni Hanfard,
Johanni de Abernun.

Berks.
Petro Achard,
Sampsoni Folyot,
Willielmo de Berceneles,
Waltero de Riparia.

Heres.
Waltero de Eynesford,
Gilberto Talebot,
Roger de Chaundos,
Johanni de Lynguire.

Cumb.
Alano de Orreton,
Willielmo de Vallibus,
Roberto de Castelkairok,
Ricardo de Neuton.

War.
Nicholao filio Radulphi,
Ade de Napton,
Roberto de Grendon,
Willielmo de Waure.

Suff.
Osberto de Cayly,
Willielmo filio Reyneri,
Willielmo de Heccham,
Roberto de Valeynes.

Bedf.
Simoni de Patehull,
Roberto de Wauton,
Willielmo de Subyri,
Galfrido de Burdeleys.

Lint.

Lint.
Willielmo de Iseney,
Gilberto de Sancto Laudo,
Willielmo de Engelby,
Egidio de Gouffe.

Widellsex.
Johanni de Valle Torta,
Ricardo de Oxeys,
Roger de la Dune,
Waltero de Camera.

Suffex.
Radulpho de Raley,
Willielmo de Wistaneston,
Radulpho Sanzaver,
Willielmo de Paggeham.

Debon.
Galfrido Dynant,
Willielmo de Bykele,
Roger de Cokynton,
Willielmo de Curtiniaco

*Postea constitit Regi per Vicecomitem De-
venia quod G. Dinant & Roger. Kokinton
languidi fuerunt, per quod Mandatum fuit
eidem Vicecomiti quod loco eorum alios Dnos
substitueret ad faciendum, &c.*

Notel.
Jacobus de Paunton,
Bernardo de Brus,
Radulpho de Normanvil,
Stephano de Nevil.

Lanc.
Willielmo de Forneys,
Willielmo le Botiller,
Galfrido de Chetham,
Alano de Wyndel.

Quia Robertus Cambou & socii sui de Comitatu Northumbrie de pre-
cepto Regis venerunt ad Regem apud Westmonasterium a Die Sancti
Michaelis in unum mensem Anno, &c. xlii. pro quibusdam negotiis Co-
munitatem totius Comitatus predicti tangentibus. Mandatum est
Vicecomiti Northumbrie, Quod prefatis quatuor Militibus de Comunitate
predicta Rationabiles expensas suas in Eundo & Redeundo habere
faciat. Teste Rege apud Westmonasterium quarto Die Novemb. &c. xlii.

*Note, The Clerks were not always very exact in their entry of Records, for this is entred
upon the Close Roll, 42 Hen. 3. when as the Writ is Dated Novemb. 4. in the 43. of H. 3.
for he began his Reign Octob. 19. 1216.*

*The like Writs were issued to the four Knights of several other Coun-
ties by Name, as appears upon the same Roll and Membrane.*

REX

Claufr. 42. H. 3.
M. 1. Dorf.
N. 197.

Rex Vicecomiti Huntingdon Salutem. Quia Dilecti & fideles nostri Willmus le Moyne Walterus de Wassingley, Sino de Copmansford, & Baldwinus de Drayton, Quibusdam Inquisitionibus faciendis pro communi utilitate predicti Comitatus nuper attenderunt, & postea Coram Consilio nostro apud Westmonasterium in Parlamento, Quid sint ibidem post festum sancti Michaelis proxime preteritum pro dictis negotiis moram fecerunt, Tibi precipimus Quod predictis quatuor Militibus rationabiles Expensas suas quas in eundo redeundo, Et in prefato Parlamento pro dictis negotiis Morando fecerunt de Communitate dicti Comitatus habere facias Teste, &c.

Consimile Breve habent 4 Milites de Comitatu Nottingham.
Consimile Breve habent 4 Milites de Comitatu Derby.
Consimile Breve habent 4 Milites de Comitatu Buks.
Consimile Breve habent 4 Milites de Comitatu Devon.
Consimile Breve habent 4 Milites de Comitatu Dorset.

This Writ was the pattern and first Foundation of the Writs for the Wages of Knights of Shires, Citizens and Burgeses afterwards choien, and sent to Parliament.

Rex Venerabilibus patribus Archiepiscopis, Episcopis ad quos presentes literæ pervenerint, in quorum diocesis Venerabilis Pater Henricus London Electus Ecclesiastica beneficia tempore sue promotionis ad eundem Episcopatum obtinuit, Salutem. Fructuosa & diuturna obsequia quæ prefatus Electus diu nobis impendit, & ipsius fidelitatem, & industriam, nec non & affectionem quam erga nos gerit diligentius attendentes, Nos de Consilio Magnatum de Concilio nostro concedimus eidem Electo; Quod Decanatus, dignitates & omnia alia beneficia Ecclesiastica subscripta, quæ tempore dictæ promotionis sue de patronatu nostro obtinuit, retinere possit liberè, plene & pacifice, quam diu ipsa per indulgentiam Domini Papæ valeat retinere; videlicet, Decanatum sancti Martini London, cum collationibus Ecclesiarum & Præbendarum ad eundem Decanatum pertinentium; Decanatum de Tottenhal Coventriæ & Litchfield Diocesis, cum collationibus Præbendarum ad eundem Decanatum Spectantium, Ecclesiam de Aubilliers ejusdem Diocesis quæ est Præbenda de Buges, Ecclesiam de Worefeld ejusdem Diocesis, Ecclesias de Kirkeym, & de Preston in Augmoderneffe Eborum Diocesis, quæ sunt in Archidiaconatu Richmondia, Ecclesiam de Grymmesby Lincolnensis Diocesis. Promittimus etiam eidem bona fide, & concedimus, quod dictos Decanatus sancti Martini London & de Tottenhal seu etiam prædicta Beneficia Ecclesiastica, quæ ex patronatu nostro ante suam promotionem obtinuit nulli conferri faciemus, nec ad dicta Beneficia aliquem presentabimus, quam diu ipsi per indulgentiam Domini Papæ valeat retinere. In cujus, &c. Teste Rege apud Westmonasterium decimo octavo die Julii.

Ex.

Per Hugonem le Bigod Justiciarium Angliæ.

R E X

Rex Nicholao de Harlou, Custodi Episcopatus Wintoniensis, salutem. Scitis quod pro laudabili servitio, quod dilectus Clericus noster Henricus de Wengham, London Electus d. n. nobis impendit, concessimus ei de instauro Episcopatus Wintoniensis quinque millia Ovium, ducentas Vacas, & decem Tauros, de dono nostro ad instaurandum inde Episcopatum suum London. Quod quidem instaurationem eidem London Electo versus quemcumque Episcopum vel Electum Winton seu alium warrantizabimus, & ipsum inde indemnem conservabimus. Hoc tamen excepto, quod si contingat Admatum Fratrem nostrum possessionem Episcopatus Winton recuperare & optinere, Nos necessario eidem Fratri nostro instaurationem prædictam restituere tunc volumus, quod idem Electus London de tanto instauro, vel de rationabili pretio ejusdem nobis respondeat. Et ideo vobis mandamus, quod eidem London Electo, vel ejus certo Assignato prædicta quinque millia Ovium, ducentas Vacas, & decem Tauros liberari faciat. Et nos liberationem illam vobis in compoto vestro allocari facimus. In cujus, &c. Teste Rege apud Westmonasterium Quarto die Augusti.

Duplicata est ista litera,
Ex.

Per ipsum Regem, & Consilium suum.

Rex Vicecomiti Cantebriæ Salutem. Quia quidam æmuli nostri imposuerunt nobis, ut accepimus, quod proponimus exigere a Magnatibus & Communitate Regni nostri tallagia inconsumta & consuetudines indebitas ad suscitandum discordiam inter nos & ipsos, tibi precipimus quod cum omni festinatione clamari facias per totam Balliviam tuam, quod Magnates & Communitatem regni nostri sincere diligimus, & ipsos in pace & tranquillitate quanta hactenus fecimus & majori, si poterimus, tractare; & nulla hujusmodi tallagia aut consuetudines indebitas ab eis exigere vel extorquere proponimus. Et si quos hujusmodi mendacia referentes inveneris, ipsos arestari facias quousque suos auctores invenerint & aliud a nobis receperis in mandatis. Teste meipso apud Turrim London, decimo quarto die Martii.

Eodem modo mandatum est Singulis Vicecomitibus per Angliam.

Rex omnibus fidelibus suis de Comitatu Eborum Salutem. Rex Talibus Salutem. Gravi nostre mentis amaritudine turbamur nec immerito quod, sicut accepimus quidam nostre tranquillitatis & regni nostri perturbatores invidi & iniquitatis ministri Devotionem fidelium nostrorum, & populi nostri diminuerent, & eorum corda a nostra dilectione & fidelitate per suggestiones dolosas & omnino falsas avertere nituntur præsertim cum annis jam quadraginta & quinque quibus volente Domino & ejus cooperante gratia Regni nostri gubernacula tenuimus

Pat. 43. H. 3.
M. 4. infus.
N. 200.

Cl. 45. H. 3.
M. 15. Dors.
N. 201.

Pat. 45. H. 3.
M. 4. in Schedula.
N. 202.

tenuimus studium nostrum & labores circa universorum ac singulorum tranquillitatem & pacem toto desiderio totisque viribus per nos & nostros ponere non destiterimus in tantum benedictus Deus quod ubi retro ceteris temporibus rebellium corda optinere non potuit potestas humana quin per guerras & hostilitates regnum istud frequenti dissolutione ad exterminium quodammodo deduci videretur, jam diebus nostris benedictus altissimus cujus gratia sumus id quod sumus per quem regnant Reges universi qui voluntates novit omnium & corda scrutatur singulorum nec in Spiritualibus per interdictum generale aut Sacramentorum subjectionem nec in temporalibus per hostilitatem aut guerram generalem depressum est Regnum Angliæ seu depuperatum vel subversum quin singuli suis possessionibus & rebus gaudere potuerint pacifice ac universi ejus suum consequi seu retinere secundum quod iustitia unicuique quod suum est reddere debuit & consuevit, Nec alicui jus suum per vim vel voluntatem nostram abstulimus benedictus Deus aut aliquem exulare fecimus injuste unde satis advertere potestis & debetis quod super hujusmodi suggestionibus & verbis falsis & iniquis credere non delectis illis qui super vos leivitates & oppressiones dudum pro sua voluntate impulerunt Cum ad vestram revelationem & defensionem parati simus & prompti semper esset velimus. Imponunt autem nobis dicti persecutores & æmuli nostri, ut audivimus, quod jura vestra & aliorum de regno nostro nec nos & consuetudines vestras iustas debitas & antiquas subvertere & vos indebitis exactionibus gravare velimus, & insuper quod indigenas regni nostri deprimere intendimus & alienigenas inducere ad dampnum & gravamen indigenarum pro eo quod anno praterito quando de turbatione regni nostri propter dissensiones inter Magnates nostros subortas timebamus, quosdam nobiscum adduximus de partibus transmarinis per consilium quorundam Magnatum nostrorum Angliæ ut per adiutorium ipsorum & aliorum perturbatores pacis nostræ & tranquillitatis vestræ si quos inveniremus coercere possemus; set per ipsos vel eorum adventum nulli de regno nostro iactura vel Dedecus accidit nec alicui dampnum intulerunt aut gravamen. Sicut vos ipsi satis nostis & sicut exitus rei evidenter declaravit. Unde nec verbis nec pravis suggestionibus hiis vel aliis aures inclinetis qui potius operibus & factis que jam elucet evidenter fidem adhibere & ea magis credere & tenere debetis. Nec grave sit vobis aut suspectum quod Castra nostra & Comitatus quibuldam commisimus qui majoris sunt potentie quam illi quibus antea fuerant commissa quia Scire vos volumus quod ad vestram utilitatem hoc magis quam ad lucra nostra fieri providimus, ut Scilicet et ipsi vobis contra Servitutes & oppressiones quas quidam Magnates super vos induxerant iustitiam, & defensionem exhiberent, ubi non poterant minores; & hoc satis intelligere potestis ex eo quod ad stipendia nostra propria & onera graviora oporteat retinere majores quam haberi possent & consueverint minores, set ob hoc specialiter tales possumus in Ballivis predictis qui de nostris essent, & de quibus securi essemus quod per ipsos defendi possetis & relevari, eo quod hi qui dictas Ballivas prius tenebant pro eos possint erant qui vobis dicta gravamina & injurias intulerunt & per tolerantiam Ballivorum predictorum veluti per Sacramentum quorundam ex vobis plene didicimus plura ad nos pertinentia occupaverunt & vos ipsos ad testas indebitas & alias Servitutes intolerabiles compulerunt, ad nostram exheredationem & vestram; sicut scitis manifestum. Scire insuper vos volumus quod si dicti Vicecomites quibus Comitatus nostros jam commisimus vos gravare aut injurias vobis inferre presumpserint eos

quam

quam cito nobis de hoc constiterit, absque ulteriori dilatione, prorsus ab officiis predictis amoveri & vobis de injuriis & gravaminibus ab ipsis illatis plene Satisfieri faciemus. Vestram igitur Devotionem requirimus & fidelitatem ne hujusmodi Suggestoribus aut animorum vestrorum turbatoribus fidem adhibeat, aut de nostrâ benevolentia diffidatis aut aliquid contra iustas & antiquas leges seu consuetudines vestras nos facturos credatis, set in Devotione & fidelitate nobis debita firmiter permaneat, quia parati sumus & semper erimus vobis omnibus tam Majoribus quam Minoribus contra omnes tam Majores quam Minores iustitiam ad plenum exhibere, & vobis omnibus leges vestras omnes jura, & consuetudines debitas bonas & consuetas in omnibus & per omnia plenius observare, & nos ipsos tam in persona nostra quam aliis omnibus que nostra sunt pro vobis exponere & pro vestri juris conservatione ac defensione. Et ut super hiis securi sitis has literas nostras de propria voluntate nostra & libera potestate fieri facimus patentes. Teste Meiso apud Windesore quinto die Augusti Anno Regni nostri quadragésimo quinto.

Consimiles Litere diriguntur per singulos Comitatus Angliæ.

R Ex Vicecomiti Norfolciæ & Suffolciæ salutem. Cum ex parte Episcopi Wigorniensis, Comitum Leicestriæ & Gloucestriæ & quorundam aliorum Pincercum Regni nostri vocati sint tres Milites de singulis Comitatus nostris quod sint coram ipsis apud Sanctum Albanum in instanti festo Sancti Matthæi Apostoli secum tractaturi super communibus negotiis regni nostri & nos & predicti Pinceres nostri in eundem diem apud Windesore conveniremus ad tractandum de pace inter nos & ipsos tibi precipimus quod illis Militibus de Balliva tua qui vocati sunt coram eis ad diem predictum firmiter injungas ex parte nostra, ut omni occasione postposita ad nos die predicto veniant apud Windesore & eis etiam districte inhiabeas ne dicto die alibi quam ad nos accedant, set eos modis omnibus venire facias coram nobis ad diem predictum nobiscum super præmissis colloquium habituros ut ipsi per effectum operis videant & intelligant quod nichil attemptare proponimus nisi quod honori & communi utilitati regni nostri noverimus convenire. Teste Rege apud Windesore undecimo die Septembris.

Eodem modo mandatum est Singulis Vicecomitibus citra Trentam.

Domino Papa Rex Angliæ, Salutem, cum reverentia & honore. Cum Ecclesia Romana veluti pia mater devotis filiis, & nobis præ ceteris sui gratia in nostris & Regni nostri negotiis maternæ pietatis viscera clementer apriens, multa beneficia ad nostri conservationem honoris jugiter exhibuerit, & jam pro quibusdam urgentibus negotiis nos & statum nostrum contingentibus opus habeamus Apostolicæ Sedis gratiam implorare, nos de consueta dictæ Sedis benignitate confisi, ad ejus Suffragia recurrimus confidenter, rogantes, & precibus postula-

G g

Cl. 45. H. 3.
M. 6. dorso.
N. 203.

Cl. 46. H. 3.
M. 17. Dorso.
N. 204.

Intentis, quatinus cum tempore scilicet recordationis Domini
Alexandri prædecessoris vestri, Apostolicæ Sedis literas obtinueri-
 mus super reformatione status nostri, & absolutione juramenti pro
 observandis quibusdam ordinationibus, colligationibus & statu-
 tis præstiti, quæ in diminutionem & depressionem potestatis regie
 cedunt manifestæ. Cumque impetrationes prædictæ ante obitum prædes-
 soris vestri memorati, ad usum minime pervenire potuissent, easdem tam
 in his, quæ personam nostram specialiter contingunt, quam in illis quæ
 dissolutionem colligationum prædictarum & Juramenti prædicti in
 aliis respiciunt, jubetis de vestra benignitatis gratia innovari.
A Petiti: nos in vestro conspectu pro obtinenda confirmatione Statuto-
 rum hujusmodi ac aliorum jam ut dicitur exhibitas, quæ in depressio-
 nem libertatis Regiæ seu etiam juris nostri cedunt læsionem, ad ex-
 auditionem si placet nequaquam admittentes. Rogamus insuper ut
 dilectos nobis Magistrum Johannem de Hemingford, & Magistrum Ro-
 gerum Luell Clericos ac procuratores nostros, una cum negotiis no-
 stris habere velis vestra Sanctitas propensius commendatos. Et cum
 nuper dum nostrum sigillum in potestate foret aliena, quamplures
 alii constituti fuerint procuratores nomine nostro, quod non appro-
 bamus, ipsorum potestatem omnino revocamus, præsertim cum ipsi ea
 magis quæ nobis obesse possent quam prodesse agere moliantur. Teste
 Rege apud Westmonasterium primo die Januarii.

Ex.

Rex Vicecomiti Eboracensi Salutem. Cum nuper apud Wintoniam
 per voluntatem Baronum nostrorum ordinationibus & con-
 stitutis eorum supposuerimus nos, & statum negotiorum nostrorum &
 Regni nostri, sub quibusdam conditionibus & promissionibus no-
 bis factis, quas minime nobis observarunt. Ac ipsi postmodum
 plura in præjudicium nostrum & depressionem potestatis Regiæ,
 nec non in dampnum Subditorum nostrorum & suorum attemptare
 præsumperint, & colligationes inter se fecerint quæ in præjudicium
 & derogationem sunt Regiæ, & turbationem pacis nostræ cedere
 perpendimus manifestæ, propter quod ex forma nostræ concessionis,
 eis ulterius ad observationem præmissorum non tenemur. Et cum
 bonæ memoriæ Alexander Papa quartus, nos ab observatione dictæ
 concessionis nostræ postmodum absolverit, & Dominus Papa Ur-
 banus, qui nunc est dicti prædecessoris sui adharens vestigiis, nos
 a juramentis, & alias dictas ordinationes seu statuta contingentibus
 absolutos denunciari, & dictas colligationes, ordinationes, seu sta-
 tuta dissolvi mandaverit, quod per venerabilem patrem Norwiche-
 nsem Episcopum, & discretum virum Johannem Mansel, Thesaurarium
 Eborum, dicti mandati executores, interveniente, insimul autho-
 ritate venerabilis Patris Bonifacii Cantuariensis Archiepiscopi ipsorum
 collegæ plenius est denunciatum. Nos potestate nostra Regia libere
 uti, & singulis tam majoribus quam minoribus prout ad nos per-
 tinet justitiæ plenitudinem exhibere volentes; Tibi præcipimus,
 quod hæc in pleno Comitatu tuo, & per totam Valliam tuam pub-
 lica facias denunciari, & scire facias universitati Comitatus præ-
 dicti.

dicti, quod cum omni securitate & confidentia justitiam obtinendi,
 jus suum tam contra Majores quam contra Minores, coram nobis
 & alibi, auctoritate nostra prosequantur, quia nulli eorum desse
 volumus in sua justitia, quin tam contra majores quam minores
 plenam justitiam valeant obtinere; Libertates insuper tam in Bag-
 na Charta nostra, quam in Charta nostra de Foresta contentas in
 omnibus plene volumus observari. Et si forte contingat, quod aliqui in
A Balliva tua dictis colligationibus adhareant, aut contra jus Regali-
 tatis nostræ, aut etiam contra executionem tui Officii aliquid attemp-
 tare, aut contra nos & honorem nostrum prædicare, aut populo sua-
 dere præsumperint, eos arrestari facias, & custodiri, donec aliud a
 nobis super hoc habueris in mandatis. Teste Rege apud Westmonaste-
 rium secundo die Martii.

Eodem modo scribitur singulis Vicecomitibus per Angliam.

Ex.

Rex omnibus, &c. salutem. Noveritis quod nos compromissimus
 in Dominum Ludovicum Regem Franciæ illustrem super provi-
 sionibus, ordinationibus, Statutis & obligationibus omnibus Oxon:
 & super omnibus contentionibus & discordiis quas habemus & habui-
 mus usque ad Festum omnium Sanctorum nuper præteritum versus
 Barones regni nostri & ipsi adversus nos occasione provisionum,
 Ordinationum, Statutorum, vel obligationum Winton: prædictarum
 promittentes & per dilectos & fideles nostros Willielmum Bileet Mili-
 tem & Robertum Fulcon Clericum de mandato nostro speciali in ani-
 mam nostram jurantes tactis sacrosanctis Evangeliiis quod quicquid
D idem Rex Franciæ super omnibus prædictis seu eorum aliquibus de
 alto & basso ordinaverit vel statuerit nos observabimus bona fide.
 Ita tamen quod idem Dominus Rex Franciæ dicat super his dictum
 suum citra Pentecosten proximo venturam. In cujus rei testimonium
 presentibus litteris sigillum nostrum fecimus apponi. Nos autem Ed-
 wardus prædicti Domini Regis Angliæ primogenitus, Henricus filius
 Ricardi Regis Alemannie Rogerus le Bigod Comes Norfolciæ &
E Marechallus Angliæ, Johannes de Warenna, Willielmus de Valen-
 cinis humiliter de Bohun Comes Herefordiæ & Essexiæ, Hugo le
 Bigod, Philippus Basset, Johannes filius Alani, Robertus de
 Buz, Rogerus de Mortuo Mari Johannes de Verdun, Willielmus
 de Breus, Johannes de Baillol, Henricus de Percy, Reginaldus filius
 Petri, Jacobus de Aldithele, Alanus de Zuche, Rogerus de Clifford,
 Hamo Extraneus, Johannes de Grey, Philippus Marmion, Robertus
 de Nevill, Johannes de Vallibus, Johannes de Muscegros, Warinus
 de Bassingburn, Adam de Geseuth, Rogerus de Somery, Ricardus
F Foliot, Rogerus de Leyburn, & Willielmus le Latymer prædicto
 compromisso per prædictum Dominum nostrum Regem facto sicut
 prædictum est, consentimus & juravimus tactis sacrosanctis evangeliiis
 quod quicquid prædictus Dominus Rex Franciæ super omnibus præ-
 dictis vel eorum aliquibus de alto & basso ordinaverit vel statuerit,
 observabimus bona fide. Ita tamen quod Idem Dominus Rex Fran-
 cia.

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Pat. 48. H. 3.
M. 18. N. 71.
N. 206.

cia, dicat dictum suum super hiis citra Pentecostem proximo futuram sicut superius est expressum. In cuius rei testimonium presenti scripto sigillo predicti Domini nostri Regis Anglie signato, sigilla nostra fecimus apponi. Datum apud Wimbetozam dominica proxima post festum Sancte Lucie Virginis anno Domini Millesimo ducentesimo sexagesimo tertio. Confectioni istius instrumenti interfuerunt Johannes de Chishul, Willielmus de Wilton frater J. de Derlington Magister Ern. Cancellarius Regis Alemannie, Rogerus de Messenden, & plures alii.

Pat. 40. H. 3.
M. 16. N. 57.
N. 207.

R Ex omnibus, &c. Salutem, Sciatis quod Venerabili Patri R. Coventrie & Lichfeldie Episcopo & Magistro Nicholao Archidiacono Norfolcie plenam & liberam dedimus potestatem ad tractandum apud Brackele in presentia Johannis de Valencinis Militis & Nuncii Carissimi consanguinei nostri Regis Francie illustris pro nobis magnatibus & proceribus nostris ex parte una, & Simonem de Montefort Comitem Leycestrie, Barones & alios sibi adherentes ex altera super securitate tranquillitate & firmitate pacis regni nostri statum habituri & gratum quicquid prefati Episcopus & Archidiaconus in premissis de consilio & assensu dicti Johannis providendum duxerint & faciendum. In cuius, &c. Teste Rege apud Oxonium vicesimo die Martii.

Pat. 48. H. 3.
M. 13. N. 49.
N. 208.

R Ex Drogoni de Barentino Constabulario Castri sui Wundesfor Salutem. Cum per formam pacis inter nos & Barones nostros initam & firmatam Simonem de Monte Forti filium Comitis Leycestrie Petrum de Monte Forti, Petrum & Robertum filios suos nuper captos apud Northampton deliberare debeamus, vobis mandamus quatinus predictos Simonem & Petrum de Monte Forti Seniores quos ex commissione Edwardi primogeniti nostri Carissimi in custodia tenetis sine dilatione deliberetis, Ita quod salvo & secure possint ire quo voluerint. Et hoc nullatenus omittatis. Teste Rege apud Bellum, decimo septimo die Maii.

Eodem modo Mandatum est Willielmo la Zuch quod deliberari faciat Petrum de Monte Forti juniorem in forma predicta.

Eodem modo mandatum est Jacobo de Alditbelege quod deliberari faciat Robertum de Monte Forti in forma predicta.

REX

R Ex omnibus tenentibus de Castellaria Douorr. Salutem. Sciatis quod commissimus dilecto Nepoti nostro Henrico de Monte Forti filio Comitis Leycestrie castrum nostrum Doboze. Duing; portus nostros & Camerariam nostram de Sandwico cum pertinentiis eius custodiamus quoad nobis placuerit. Ita quod de exitibus inde provenientibus nobis respondeat ad Scaccarium nostrum. Et ideo vobis mandamus quod eidem Henrico in omnibus que ad custodiam illam pertinent intendentes sitis & respondentes sicut predictum est. In cuius, &c. Teste Rege apud Westmonasterium vicesimo octavo die Maii.

Per Regem & R. Aquilun.

Et mandatum est Ricardo de Grey quod predicta Castrum & portus una cum armis victualibus balistis & alia garnestura ejusdem Castri ad opus Regis reservanda liberet prefato Henrico de quibus omnibus chirographum inter ipsos fieri faciat. Ita quod idem Henricus nobis de eisdem valeat respondere. In cuius, &c. Teste ut supra.

Et mandatum est Baronibus & Ballivis Portus de Sandwico quod eidem Henrico tanquam Constabulario Castri predicti, Custodi Quinq; Portuum & Camerario Sandwici in omnibus que ad custodiam illam pertinent intendentes sint & respondentes sicut predictum est. Teste ut supra. Item, Mandatum est Baronibus & Ballivis Portuum Doboze, Sandwici, Huth. Romeney, Wincheles, & la Rye & Hastings quod ei sint intendentes & respondentes sicut predictum est.

R Ex Ade de novo Mercato, Salutem. Cum jam sedata turbatione nuper habita in regno nostro pax inter nos & Barones nostros divina cooperante gratia ordinata sit & firmata ac ad pacem illam per totum regnum nostrum inviolabiliter observandam de Consilio & Assensu Baronum nostrorum provisum sit, quod in singulis Comitatus nostris per Angliam ad tuitionem & Securitatem partium illarum custodes pacis nostre constituentur donec per nos & Barones nostros de statu regni nostri aliter fuerit ordinatum, cumq; nos de vestra fidelitate simul & industria fiduciam gerentes vos de consilio dictorum Baronum nostrorum Custodem nostrum assignaverimus in Comitatu Lincolnie quoad nobis placuerit. Vobis mandamus in fide qua nobis tenemini firmiter injungentes quatinus custodie pacis nostre ibidem & hiis que ad conservationem pacis nostre pertinent diligenter intendatis ut predictum est, firmiter & publice per totum Comitatum predictum inhibentes ex parte nostra ne quis sub poena exheredationis & periculo vite & membrorum super aliquem currat, nec aliquem deprædatur, nec homicidia vel incendia roberias tollas seu alia hujusmodi perpetret enormia nec cuiquam dampnum aliquod inferat contra pacem nostram, nec etiam de cætero arma portet in regno nostro sine licentia nostra & mandato nostro Speciali. Et si quos hujusmodi malefactores & pacis nostre perturbatores vel etiam ut predictum est arma portantes inveneritis eos sine dilatione arrestari & salvo custodiri faciatis donec aliud inde præceperimus. Et ad hoc si necesse fuerit totum posse dicti Comitatus cum toto posse Comitatum adjacentium vobiscum assumatis custodibus ipsorum Comitatum ad consilia cum opus fuerit viriliter auxilantes. Et si forte

Pat. 48. H. 3.
M. 13. N. 47.
N. 209.

Pat. 48. H. 3.
M. 12. Dorf.
N. 210.

si forte ipsos malefactores evadere contingat quod nulla ratione vellemus, tunc de nominibus eorum nobis constare faciat, ut quod justum fuerit de ipsis fieri faciamus. Et quia in instanti Parlamento nostro de negotiis nostris & regni nostri cum Prelatis, Magnatibus & aliis fidelibus nostris tractare necessario nos oportebit. Vobis mandamus quatinus quatuor de legalioribus & discretioribus Militibus dicti Comitatus per assensum ejusdem Comitatus ad hoc electos ad nos pro toto Comitatu illo mittatis. Ita quod sint ad nos London in Octabis instantis festi Sanctæ Trinitatis ad ultimum nobiscum tractaturi de negotiis predictis vos autem in hiis omnibus ex quendis tam fideliter & diligenter vos habeatis ne per negligentiam vestri ad vos & vestra graviter capere debeamus. Teste Rege apud Sanctum Paulum London quarto die Junii.

Eodem modo constituitur Ricardus de Tany Custos pacis in Comitatu Essexie & Hertfordie.

Eodem modo constituitur Johannes de Eyvill in Comitatu Eboracensi.

Eodem modo constituitur Johannes de Burgo Senior in Comitatu Northfolcie.

Eodem modo constituitur Willielmus de Bovill in Comitatu Suffolcie.

Eodem modo constituitur Ægidius de Argentenn. in Comitatu Cambrigie.

Eodem modo constituitur Henricus Engaine in Comitatu Hunt.

Eodem modo constituitur Willielmus le Marechall in Comitatu North.

Eodem modo constituitur Godefridus de Escludemorin in Comitatu Wilt.

Eodem modo constituitur Johannes de Sancto Walerico in Comitatu South.

Eodem modo constituitur Willielmus de Tracy in Comitatu Gloucestrie.

Eodem modo constituitur Radulphus Basset de Superton in Comitatu Leycestrie.

Eodem modo constituitur Thomas de Estley in Comitatu Warr.

Eodem modo constituitur Robertus de Stradeley in Comitatu North.

Eodem modo constituitur Ricardus de Vernon in Comitatu Derby.

Eodem modo constituitur Johannes filius Johannis in Comitatu Buckinghamie.

Eodem modo constituitur Walterus de Beauchamp de Chalvestre in Comitatu Bedford.

Eodem modo constituitur Gilbertus de Ellesfend in Comitatu Oxon.

Eodem modo constituitur Robertus filius Nigelii in Comitatu Berke.

Eodem modo constituitur Johannes de Pleffettis in Comitatu Northumb.

Eodem modo constituitur Thomas de Muleton in Comitatu Cumbr.

Eodem modo constituitur Johannes de Marceill in Comitatu Westmerl.

Item, Scribitur Henrico de Monte-Forti Vicecomiti Cantie quod intendat custodie pacis, &c. que commissa fuit Petro de Trehampton deferenda eidem Henrico.

Eodem modo constituitur Johannes de Aur. in Comitatu Dorset.

Eodem modo constituitur Brianus de Gowiz in Comitatu Somers.

Eodem modo constituitur Oliverus de Dynant in Comitatu Devon.

Eodem modo constituitur Radulphus Bassett de Drayton in Comitatu Salop & Staff.

He was also Governor of Dover Castle and Warden of the Cinque-Ports.

Re

R Ex Jacobo de Aldithale, Salutem. Cum jam sedata turbatione nuper habita in regno nostro, pax inter nos & Barones nostros divina cooperante gratia ordinata sit & firmata & ad pacem illam per totum regnum nostrum inviolabiliter observandam de consilio & assensu Baronum nostrorum sit probatum, ne quis sub amissione terrarum & tenementorum suorum & etiam sub periculo vite & membrorum arma de cetero portet in regno nostro sine licentia & speciali mandato nostro; & quod omnes qui nuper in conflictu habito apud Northampton ut priores capti fuerunt ad nos ducantur London in quoruncumque custodia consistant; cumque quedam ardua negotia nos & regnum nostrum tangentia vobis necessario communicanda habeamus que sine presentia vestra nequeunt expediri. Vobis de consilio Baronum nostrorum mandamus in fide & homagio quibus nobis tenemini firmiter injungentes quatenus statim visis literis istis omnibus aliis pratermissis ad nos in propria persona vestra veniatis nobiscum super predictis negotiis tractaturi, adducentes vobiscum Robertum de Sutton, Robertum filium Walteri, Philippum de Covel & Johannem de Wistabill & omnes alios hujusmodi priores, quos in custodia vestram de nostra quam de cujuscumque alterius commissione tenetis, ut de prisonibus predictis & de prisonibus nuper captis apud Lewes si expedire viderimus prisonem pro prisonem vel priores ipsos per sufficientem manucaptionem deliberari faciamus. Et hoc sicut nos & honorem nostrum nec non & tranquillitatem & pacem regni nostri diligitis nullatenus omittatis. Teste Rege apud sanctum Paulum Londini, quarto die Junii.

Item, Mandatum est Rogero de Mortuo Mari ut supra ut adducat secum Reginaldum de Watervill Johannem le Despenser Adam le Despenser Rogerum de la Hide Humfridum de Bassingburn, & omnes alios hujusmodi priores, &c. & tradita fuit litera Simonis de Watervill.

Eodem modo mandatum est Rogero de Clifford quod adducat secum Willielmum de Eyvill, Henricum de Penbregg, Waldevinum de Drayton.

R Ex Johanni de Grey Constabulario castri sui Nottinghamie, Salutem. Cum jam sedata turbatione nuper habita in regno nostro, pax inter nos & Barones nostros divina cooperante gratia ordinata sit & firmata ac ad pacem illam per totum regnum nostrum inviolabiliter observandam de consilio & assensu Baronum nostrorum provsum sit, ne quis sub amissione terrarum & tenementorum suorum & etiam sub periculo vite & membrorum arma de cetero portet in regno nostro sine licentia & speciali mandato nostro & quod omnes qui nuper in conflictu habito apud Northampton & priores capti fuerunt ibidem ad nos ducantur London in quoruncumque custodia consistant; cumque quedam ardua negotia nos & regnum nostrum tangentia vobis necessario communicanda habeamus que sine presentia vestra nequeunt expediri. Vobis de consilio Baronum nostrorum mandamus in fide & homagio quibus nobis tenemini firmiter injungentes quatinus per totam ballivam vestram publice prola-

Pat. 48. H. 3.
M. 13. Dorset.
N. 212.

mar

muri faciatis in forma prædicta ne quis arma de cætero portet in partibus illis, & quod statim visis literis istis omnibus aliis prætermisissis ad nos in propria persona vestra sine equis & armis veniatis nobiscum super dictis negotiis tractaturi, Adducetes vobiscum Baldwinum Cotate, Anker de Fretchbith, Hugonem Gobion, Rogerum de Mortein, Ricardum de Hemington & omnes alios hujusmodi prisiones quos in custodia vestra tam de nostra quam ex cuiuscumque alterius commissione tenetis, ut de prisonibus prædictis et de prisonibus nuper captis apud Lewes si expedire viderimus prisonem pro prisonem vel prisonem ipsos per sufficientem manucaptionem deliberari faciamus. Et hoc sicut nos et honorem nostrum nec non et tranquillitatem et pacem regni nostri diligitis nullatenus omissatis. Teste Rege apud Sanctum Paulum London quarto die Junii.

Literæ prædictæ commissæ fuit Philippo de Driby per Comitem Leycestria, Comitem Gloucestria, &c.

Item, Mandatum est Drogoni de Barentin Constabulario Castri Windeior quod Willielmum de Furnial et omnes alios prisiones, &c. secum adducat, &c. ut supra, et litera ista tradita fuit Charles Valletto Regis deferenda præfato Constabulario.

Item, Mandatum est Johanni de Vallibus Constabulario castri Norwici vel ejusdem Subconstabulario ejusdem castri quod veniat in forma prædicta & adducat secum Ger. de Furniball, Willielmum de Eylesford, Radulphum de Bruton, Johannem Elstorny, et omnes alios hujusmodi prisiones, &c. in forma prædicta.

Pat. 48. H. 3.
M. 6. Dorf.
N. 213.

Hæc est forma pacis a Domino Rege & Domino Edwardo filio suo Prælati & Proceribus omnibus cum Communitate tota Regni Angliæ communiter & concorditer approbata videlicet quædam ordinatio facta in Parlamento Londini habito circa festum Nativitatis beati Johannis Baptistæ proximo præteritum pro pace Regni conservanda quousque Pax inter dictum Dominum Regem & Barones apud Lewes per formam cuiusdam mise prælocuta completeretur duratura omnibus diebus prædicti Domini Regis & etiam temporibus Domini Edwardi postquam in Regem fuerit assumptus usque ad terminum quem ex tunc duxerit moderandum firma maneat stabilis & inconcussa. Dicta autem Ordinatio talis est. Ad reformationem Status Regni eligantur seu nominentur tres discreti viri & fideles de regno qui habeant potestatem & auctoritatem à Domino Rege eligendi seu nominandi vice Domini Regis Consiliarios nobem de quibus novem, tres ad minus alternatim seu vicissim semper in Curia sint præsentēs, & Dominus Rex de Consilio eorumdem nobem ordinet & disponat de Custodia castroꝝum & aliis omnibus regni negotiis. Præstat etiam Dominus Rex per Consilium eorumdem nobem Justiciarium, Cancellarium, Tresaurarium & alios officiales majores & minores in his que spectant ad Regimen Curie & Regni. Jurabunt autem primi electores seu nominatores quod secundum conscientiam suam eligent seu nominabunt Consiliarios quos credent honori Dei & Ecclesiæ, Regi & Regno utiles & fideles. Consiliarii quoque & omnes Officiales majores & minores in

in sua creatione jurabunt quod officia sua pro posse suo ad honorem Dei & Ecclesiæ & ad utilitatem Regis & Regni absque munere præter esculenta & poculenta quæ communiter in mensis præsentari solent fideliter exequentur. Et si prædicti Consiliarii vel aliqui eorum in administratione sibi commissæ male versati vel versatus fuerit vel fuerint vel sint ex alia causa mutandi vel mutandus, tunc Dominus Rex per Consilium prædictorum trium nominatorum seu electorum quos vel quem amovendos viderit amoveat & loco eorum vel ejus qui amotus fuerit per eosdem, alios vel alium fidelem & idoneum subroget & substituat. Si autem officiales majores vel minores in officiis suis male versentur Dominus Rex per Consilium dictorum nobem ipsos amoveat & alios seu alium sine dilatione per consilium prædictorum loco illorum vel ejus substituat. Et si primi tres Electores seu nominatores in electione vel nominatione Consiliarioꝝum aut alicujus Consiliarii, aut forte Consiliarii in Creatione officialium vel aliis negotiis Domini Regis & regni gerendis seu disponendis discordes fuerint quod à duabus partibus concorditer factum vel ordinatum fuerit firmiter observetur, dummodo de illis duabus partibus unus sit Prælati Ecclesiæ in negotiis Ecclesiæ contingentibus. Et si contingat duas partes dictorum nobem in aliquo negotio non esse concordēs, de discordia illa stabitur ordinationi primorum trium electorum seu nominatorum aut majoris partis eorumdem. Et si videatur Communitati Prælatorum & Baronum concorditer expedire quod aliqui vel aliquis loco aliquorum vel alicujus primorum nominatorum seu Electorum subrogentur vel subrogetur, aut substituantur, Dominus Rex per Consilium Communitatis Prælatorum & Baronum alium vel alios substituat. Omnia autem prædicta Dominus Rex faciet per consilium prædictorum nobem in forma subscripta vel ipsi vice & auctoritate Domini Regis, præsentē ordinatione duratura, donec missa apud Lewes facta est, & postea à partibus sigillata concorditer fuerit adimpleta vel alia forma provisā, quam partes concorditer duxerint approbandam. In cuius rei testimonium Domini R. Lincolnienſis, & Hugo Eliensis Episcopi, R. Comes Norfolciæ, & Mareſcallus Angliæ, R. de Veer Comes Oxoniensis, Humfridus de Bohun, Willielmus de Monte Canisso, Bajaz London signa sua huic scripto apposuerunt. Datum in Parlamento London vicesimo Junii Anno Domini MCCLXIV.

Rex omnibus, &c. salutem. Sciatis quod dedimus potestatem venerabili Patri Stephano Cytrenſi Episcopo, & dilectis & fidelibus nostris Simoni de Monte Forti Comiti Leycestria & Gloucestria de Claro Comiti Gloucestria & Hertfordia nominandi nobem de fidelioribus peritioribus & utilioribus Regni nostri tam Prælati, quam aliis de quorum consilio negotia regni nostri secundum leges & consuetudines ejusdem regni regere volumus, quousque missa per nos & Barones nostros apud Lewes nuper facta vel alia forma sit qua melior provideri possit, compleatur. In cuius, &c. Teste Rege apud Sanctum Paulum London vicesimo tertio die Junii.

Et mandatum est in forma prædicta præfatis Episcopo & Comitibus quod nominent in forma prædicta. Teste ut supra.

H h

R E X

Pat. 48. H. 3.
M. 10. n. 37.
N. 214.

Pat. 48. H. 3.
M. 4. Dors.
N. 215.

Rex omnibus, &c. Salutem. Noverit universitas vestra quod nos ordinamus & constituimus venerabiles Patres Henricum London Walterum Wigornie, & J. Wintonie Episcopos, & nobiles viros Hugonem Dispensatorem Iusticiarium Anglie & Petrum de Monte Forzi & Magistrum Ricardum de Mepham, Archidiaconum Oxonii, procuratores & nuncios nostros solemnes dantes eis potestatem tractandi in presentia magnifici Principis Regis Francie illustris & venerabilis Patris G. Sabini Episcopi Apostolice sedis Legati vel aliorum eorum super reformatione Statuti regni Anglie, & quod in hac parte provisum fuerit acceptandi & firmandi si viderint expedire ac omnem securitatem faciendi quam negotii qualitas requirit & quam nobis seu re: no predicto viderint opportunam. Dantes insuper prefato Petro potestatem jurandi in animam nostram quod nos, quicquid ipsi in premissis nomine nostro duxerint faciendum, ratum habebimus & acceptum. Datum apud Cantuariam die Sabbati proxima post festum* Nativitatis beate Virginis anno Domini Millesimo Ducentesimo sexagesimo quarto.

* 8th. Sep-
tember.

Consimiles literæ emanarunt sub nomine Comitum & Baronum pro se & Communitate predicta quibus sigilla sua apposuerunt. Datum ut supra.

Item forma pacis superius scripta consignata fuit sigillo Regis & tradita nunciis supradictis.

Pat. 48. H. 3.
M. 10. Dors.
N. 216.

Rex Archiepiscopis, Episcopis, Abbatibus, Prioribus, Comitibus, Baronibus, Militibus, liberis hominibus, & omnibus aliis de Comitibus Warr. & Leycestria Salutem. Miramur quamplurimum & movemur quod quidam ad pacis & tranquillitatis regni nostri turbationem volentes & aliis fidelibus nostris multipliciter prædicant & perperam suggerunt nos ad vestram & aliorum fidelium nostrorum exheredationem & status regni nostri subversionem alienigenas in regnum nostrum introducere velle ut sic corda vestra a fidelitate nostra subtrahant, & quod propter hoc versus partes D. vort nuper gressus nostros direximus, quod nostre intentionis seu voluntatis nunquam exitit sicut per facti evidentiam liquet manifeste. Verum quia quedam tallagia inconcussa sine assensu & voluntate nostra & vestra ut accepimus nuper in Comitibus predictis facta fuerunt ad inveniendum necessaria quatuor vel quinque hominibus de qualibet villata contra alienigenas versus mare protecturis Universitati vestre significamus quod nos alienigenas non vocavimus nec vocabimus nec eorum auxilio indigemus, eo quod, benedictus altissimus; omnes fere populos & paganos regni nostri exceptis paucis vel nullis nobis resistentibus nostre fidelitati constanter adherent & eatenus nobis assistent quod eorum auxilio resistentes huiusmodi cum opus fuerit potenter reprimere speramus Domino cedente. Quo circa Universitati vestre mandamus firmiter præcipientes quod huiusmodi assertionibus vel suggestionibus fidem non adhibeatis nec de predictis tallagiis indebitis & inconcussis in vestriga-

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ve dispendium & contra Dominum vestrum ligium factis nichil omnino persolvatis nec occasione alicujus monitionis vel comminationis sine mandato nostro speciali Comitatus vestros aliquatenus exeatis, Set Vicecomiti nostro sicut temporibus retroactis fieri consuevit intendatis. Nos autem parati sumus & semper erimus juramentum factum Oxon ad honorem Dei, fidem nostram & commodum regni nostri firmiter observare & vos in iuribus & libertatibus vestris tanquam fideles & probos homines nostros contra quoscumque defendere & tueri. Teste Rege apud Windeforam vicesimo die Decembris anno regni nostri quadragésimo octavo.

Consimiles literæ patentes diriguntur per singulos Comitatus Anglie, &c.

Et mandatum est Vicecomiti Warr & Leycestria quod predictas literas patentes quas lator presentium sibi liberabit per preceptum Regis in plenis Comitibus suis, hundredis & singulis bonis villis Comitatus predictorum legi, & firmam pacem Regis proclamari & teneri faciat. Teste ut supra.

Eodem modo mandatum est singulis Vicecomitibus per Angliam, &c.

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Rex Archiepiscopis, Episcopis, Abbatibus, Prioribus, Comitibus, Baronibus, Vicecomitibus, Militibus, liberis hominibus, & universæ Communitati Comitatus Lincolnie Salutem. Cum pro certo nobis constiterit, quod alienigenarum magna multitudo navigio undecunque collecto ad regnum nostrum vi armata intrandum se præparent ad nostram & singulorum regni ipsius confusionem & exheredationem perpetuam nisi eis in manu forti duxerimus obviam, dum, Vobis mandamus in fide qua nobis tenemini firmiter præcipientes quatinus vos milites omnes & libere tenentes qui ad hoc sufficite cum equis & armis viriliter & potenter vos præparetis. Ita quod ad nos sitis London cum toto posse vestro dominica proxima post festum Beati Petri ad Vincula ad nostram & vestram ad totius regni defensionem contra alienigenas huiusmodi nobiscum exinde processurus. Tunc vero Vicecomes assumpto tecum Custode papali Comitatus predicti, predictis Archiepiscopis, Episcopis, Baronibus & omnibus aliis qui ad nos venerint nobis debent denunciare & firmiter insinuas ex parte nostra in fide & homagio quibus nobis tenentur, & sicut seipso, terras & tenementa sua diligunt ut non solum cum servitio in quo nobis tenentur, set quilibet quanto viriliter & potentius poterit veniat vel mittat ad eundem diem cum equis & armis & peditibus velatis, quos habere poterit una cum eorum adiutorio huic periculo efficacius resistere valeamus. Nec quisquam per temporis brevitatem quod in se rationabile summonitionis tempus non contineat se excuset, quia instans necessitas tempus non patitur ulterius prorogari, nec per hoc intendimus aut volumus eis ut hoc alias in consuetudinem trahatur præjudicium generari. Insuper de qualibet Villata ad eundem diem venire facitis octo, sex vel quatuor ad minus secundum Villæ magnitudinem de melioribus & probioribus peditibus cum armis competentibus, videlicet, lanceis, arcibus, & sagittis, gladiis, balistis & hachis bene munitis quibus

Pat. 48. H. 3.
M. 9. Dors.
N. 217.

quibus de communi de expensis quadraginta dierum facias provideri. De Civitatibus vero similiter castris & Burgis, ubi major copia hominum habetur secundum cujuslibet magnitudinem & facultates homines tam equites quam pedites prout considerata negotii qualitate duxeris ordinandum modo predicto transmittere non omittas. Nec alleget quisquam iostans tempus Mellius, aut alicujus alterius rei familiaris occupationem, cum tutius & melius sit cum securitate personam in bonis aliquantulum dampnificari quam cum terræ & bonorum perditione totali per impias eorum manus poterunt minime parcituri, crudelis sexui aut ætati si prævalere poterunt minime parcituri, crudelis mortis pœna liberari. Hoc igitur mandatum nostrum per Comitatum tuum facias publicari & in forma predicta singulis denunciari, ut sicut nostrum & terræ nostræ honorem & vitas proprias diligunt, & sicut suam & heredum suorum exheredationem perpetuam vitare voluerint quanto virilius & potentius poterunt se preparare festinent. Ita quod omni occasione postposita ad ultimum dicta die Dominica videlicet proxima post festum Beati Petri ad Vincula ad locum veniant antedictum. Scituri quod si aliquos hujus mandati nostri contemptores invenerimus vel circa illud negligentes & remissos ad personas & bona eorum nos graviter capiamus sicut ad ipsos per quos non stat quo minus nos & regnum nostrum confusione & perpetuæ exheredationi liberemur. In cuius, &c. Teste Rege apud Sanctum Paulum London sexto die Julii.

Eodem modo diriguntur literæ consimiles Archiepiscopi, &c. In Comitatu Warw. & Leicestræ, Buckinghamiæ, & Bedfordiæ, Northampton, Cantabrigiæ, & Hunt. Salop & Staff. Herf. Nott. & Derby. Wiltes. Oxon. & Berks. Wigorn. Rotel. Westmer. Northumb. Eborum, Lincolnæ Herf. Gloucestræ, Surv. & Lancastriæ; & tradita fuerunt Vicecomiti Lancastriæ.

Pat. 48. H. 3.
M. 7.
N. 218.

Rex omnibus, &c. Salutem. Cum nuper de Consilio Baronum nostrorum publice prohiberi fecerimus, ne quis sub periculo vite vel membrorum arma portaret vel cum equis & armis per Regnum nostrum incederet absque nostra licentia speciali et jam oporteat dilectum & fidelem nostrum Simonem de Monte Forzi Comitem Leicestræ propter obsequia & prisonas quos secum ducit cum equis & armis incedere, Nos ei ad hoc faciendum licentiam nostram duximus concedendam prefertim cum ex hoc nulli de regno dampnum debeat vel periculum imminere. In cuius, &c. Teste Rege apud Sanctum Paulum London decimo sexto die Julii.

Henri

Henri par le grace Den Roys de Engleterre seignor de Irland &c. Duc de Aquitain a toz ceux que cest escript verant ou orront Saluz. Saches que com Edward nostre frz & Henr le fruz le Rois de Alemaigne nostre Nemen apres la bataille de Lewes pur la per de la tere maintenir par nostre volente & la leur se fuserent mis ostages a demorer en la garde Munfir Henri de Montfort nostre Nemen desque la pes avaundite fensit bien a fermee & assenee J. celest meimes Henr de Montfort par commun acort e assentement des Prelas & des haux homes de nostre tere les avaunditz Edward & Henr rendi & delivra a nos dont nos vos fesoins a saver que nos le ostages avaunditz en la forme avaundite avoins receus & le avaundit Henr de Montfort de la garde avaundite aquitoms. En temoyne de co a ceste escript avoins mis noz seaus. Done a Londre le disme Jur de Marce le an del Incarnation nostre Seignor Mil deauscens cincant & quatre.

Pat. 48. H. 3.
M. 91.
N. 219.

Omnibus Christi fidelibus ad quos presens scriptum pervenerit Radulphus de Twenge Salutem in Domino. Noveritis me tradidisse & concessisse Dominis Petro de Brus, Adæ de Gelemue, Gilberto Haunfard, Roberto de Stuteville, Johanni de Halton, Willielmo de Wyvill, Hugoni de Ever, Johanni de Burton, Ambrosio de Camera, Johanni de Oketon & Galfrido Aquilun totum Manerium meum de Lund custodiendum cum omnibus suis pertinentiis sine aliquo retinemento pro plegiagio meo versus Dominum Hugonem le Despenser ex hoc quod captus fui ad bellum de Lewes & priso dicti Domini Hugonis le Despenser extiti & unde finivi versus dictum Dominum Hugonem septem Centenas Marcas & unde predicti plegii mei devenerunt versus dictum Dominum Hugonem Solvendi ducentas libras in Festo Nativitatis Sancti Johannis Baptiste Anno Regni Regis Henrici quadragesimo nono Natalis Domini proximo sequenti ducentas Marcas & ad Pascha proximo sequens ducentas Marcas. Et si in aliquo predictorum terminorum solutione defecero, volo & concedo quod occasione solutionis non factæ predicti Domini Petrus de Brus, Adam de Gelemue, Gilbertus Haunfard, Robertus de Stuteville, Johannes de Halton, Willielmus de Wyvill, Hugo de Ever, Johannes Burton, Ambrosius de Camera, Johannes de Oketon, & Galfridus Aquilun de predicto Manerio seofentur & quod illud teneant imperpetuum per Cartam seoffamenti quam per assensum utriusque partis tradidimus Domino Petro de Brus custodiendam, quod si in aliquo defecero terminorum bene licebit Domino Petro de Brus & ejus consociis ex mera voluntate mea illud manerium cum omnibus suis pertinentiis tenere & habere imperpetuum, sicut Carta seoffamenti quam inde habemus testatur. In hujus rei testimonium huic presenti scripto sigillum meum apposui.

Cl. 49. H. 3.
M. 8. Dors.
N. 220.

R E X

Cl. 49. H. 3.
M. 4. dorso.
N. 221.

R Ex Johanni de Eyvill, Salutem. Cum nos & quidam Magnates & fideles nostri in partibus Hereford circa tranquillitatem & pacem partium illarum jam pridem agentes pro viribus laboravimus prout Status partium earundem requirit sperantes Edwardum filium nostrum ad hoc adiutorem precipuum & ferventiorum pre ceteris invovisse idem Edwardus die Jovis in Ebdomadē Pentecostes circa horam vespertinam a Militum Comitatu quos secum ad spaciandum extra Hereford duxerat cum duobus Militibus & quatuor Scutiferis A
propositi sui consensu spreto consilio nostro & Vagantem & fidelium nostrorum predictorum subito & exopinato recessit volens ut pro certo credimus se ad Johannem de Warrenna & Willielmum de Valentia & complices suos qui nuper absque conscientia nostra & voluntate & contra pacem nostram applicuerunt in partibus Pembroc ac etiam ad quosdam Marchiones rebelles nostros & pacis nostre perturbatores transire ut exinde partes adeat transmarinas vel alios illic mittat qui adventum alienigenarum in regnum nostrum per partes Pembroc cum alibi non pateat eis aditus ad nostram & regni nostri confusionem procurent. Et quia prefati rebelles nostri licet adhuc pauci existant per hoc potestatem & vires suas augere possent nisi eorum insolentia antequam ulterius invalescat citius reprimatur nos de vestra & aliorum fidelium nostrorum fidelitate & constantia specialiter confidentes, Vobis mandamus in fide, homagio & dilectione quibus nobis C
estis affecti & sub periculo amissionis omnium quæ in Regno nostro tenetis, ac sub debito Sacramento quo omnes & singuli de Regno nostro sunt ad hoc specialiter obligati & quod volumus firmiter observari firmiter injungentes quatinus statim vestris litteris istis omnibus aliis pretermisitis cum equis & armis et toto servitio vestro nobis debito nec non & toto posse vestro sub omni festinatione de die & nocte usque Wygorniam veniat parati exinde in manu forti ire nobiscum super inimicos nostros predictos & hoc sicut exheredationem nostram & vestram & perpetuam regni nostri confusionem vitare D
volueritis & vitam propriam diligitis nullo modo omittatis. Nec de summonitione exercitus brevitate temporis allegetis, quia urgentissima necessitas tempus non patitur ulterius prorogari ne inter moras per adventum alienigenarum quos iidem rebelles nostri expectant eorundem vires in nostri & regni nostri perniciem augeri contingat; qui adhuc dum pauci existant de facili nobis poterunt subjugari. Teste Rege apud Hereford tricesimo die Maii.

Eodem modo scribitur omnibus tenentibus de Rege in Capite, tam videlicet, Episcopis, Abbatibus, Prioribus, quam Comitibus, Baronibus, Militibus & omnibus aliis, exceptis illis qui sunt pro parte Comitatus Gloucestræ.

R E X

Pat. 49. H. 3.
M. 14. dorso.
N. 221.

R Ex Custodi pacis in Comitatu Eborum & Vicecomiti ejusdem Comitatus, Salutem. Cum inter Simonem de Monte forti Comitem Leicestrie & Silberum de Clare Comitem Gloucestræ quedam discordia nuper exorta fuerit quam per compromissum per eosdem in quosdam fideles nostros factum, & tam scripto quam juramento sua firmatum credebamus pacificari, per quod ad pacandum corda subditorum nostrorum qui guerram de novo ex hoc in re no predicto suscitari timebant per singulos Comitatus regni nostri latentes nostras transmissimus inter cetera continentes quod dicti Comites animi- mes fuerant & concordēs ac idem Comes Gloucestræ & Silberius observacione Juramenti sui predicti quibusdam Marchionibus & aliis rebellibus nostris nec non & Willielmo de Valentia & Johanni de Warrenna & complicibus suis qui nuper applicuerunt in regno nostro contra pacem nostram adhererent & ipsos in familiaritatem ad- miserant & insuper Edwardum filium nostrum qui pro pace predicti publici favoris gratiam quam sponte se dando obsequium ad miserat ex inconsulta levitate totaliter jam amisit ad suam & eorundem rebellium nostrorum partem jam attraxerit terram nostram in partibus Marchia hostiliter circumveniendo quedam castra & villas occupanda; & guerras ibidem commovendo & predictos Marchiones & complices suos indu- cendo ad pejora committenda contra pacem nostram nos & fideles nostri hec omnia hactenus patienter sustinimus volentes ut eorum excessibus & transgressionibus manifeste patentibus universis causis iustitiæ pro nobis & eorum injuria contra ipsos patenter alle- gent in facie singulorum antequam manus apponere vellemus ad rigorem; Et quia tantam rebellionem diutius sustinere nolumus nec debemus vobis precipimus in fide & dilectione quibus nobis tenemini fir- miter injungentes quatenus omnibus de Comitatu predicto sicut se D
& sua diligunt districtius inhibeat ne dicto Edwardo aut predicto Comiti seu complicibus suis ad sua rebellionis fomentum, consensum, consilium, auxilium vel favorem quoquo modo impendant sed sicut nuper per litteras nostras per singulos Comitatus nostros directas omnes de regno nostro ad observandum ordinationem nuper London factas juramento astringi precepimus omnes & singuli Comitatus predicti contra predictos rebelles & omnes alios pacis nostre perturbatores & ordinationis ipsius transgressores manifestos quicunque fuerint po- tenter insurgant, & patenter corpora eorum arrestantes & salvo E
custodientes donec aliud inde præceperimus proclamari, etiam faciat per totam ballivam vestram ut omnes quos cum equis & armis in auxilium nostrum contra rebelles predictos nuper summoneri fecimus sub ea qua poterunt festinatione per Gloucestriam cum per Wygorniam prout alias mandavimus propter fractionem pontium & viarum discrimina eis planis non pateat accessus, ad nos accedere non omittant, sicut penas in prioribus litteris nostris eisdem nuper inde directis conten- tas voluerint evitare; Et ita vos habeatis in premisis quod fidelitatem & diligentiam vestram exinde perpetuo commendare debeamus. Teste Rege apud Hereford Septimo die Junii.

Consimiles litteræ diriguntur per singulos Comitatus Angliæ per Regem, Comitem Leicestrie Justiciarium, Petrum de Monte forti Egidium de Argentenn, & Rogerum de Sancto Johanne.

R E X

Pat. 49. H. 3.
M. 8. Dorst.
N. 223.

* 24 Septem-
bris.

R Ex omnibus fidelibus suis de Comitibus Warr. & Leprestria Salutem. Sciatis quod cum nuper unanimi consilio & voluntate Magnatum nostrorum apud Winton convenientium reddita fuerit in manus nostras Seisina omnium terrarum & tenementorum quibuscumque occupatorum de tertiis adversariorum & rebellium nostrorum qui nobis manifeste adversabantur in turbatione & guerra nuper in regno nostro suborta, & eisdem in turbatione predicta manifeste adherentium constitimus dilectos & fideles nostros Willielmum Bagod & Robertum de Grendon una cum Vicecomite nostro Comitatus predicti ad omnes terras & tenementa predicta in manus nostras capienda & nomine nostro Salvo custodienda. Ita quod illi predicta terras & tenementa per Sacramentum proborum & fidelium nostrorum fideliter extendant, quantum secundum rectum valorem in omnibus exitibus eorum valeant per annum: Et extentam illam nobis sub sigillis eorum per quos facta fuerit una cum nominibus terrarum & nominibus illorum quorum terra & tenementa illa fuerunt habere faciant ad instant festum Sancti * Edwardi apud Westmonasterium. Ita etiam quod de toto redditu de termino Sancti Michaelis instantis diligentem faciant inquisitionem & ad ipsum redditum colligendum & recipiendum duos de discretioribus & fidelioribus qui in singulis hundredis haberi poterunt assignent, Et eis summam reddituum predictorum in singulis locis & villis habere faciant, & nos de summa illa & nominibus collectorum illorum fideliter & plene certificent. Et si forte de dictis redditibus aliquid inde receperint ad plenam restitutionem sine dilatione distringant. Volumus etiam quod si terræ vel tenementa dictorum rebellium nostrorum alicui alteri postquam nobis post Diem Joannis proximam post festum Exaltationis Sanctæ Crucis fuerint restituta ad manus nostras revocentur per eisdem Willielmum, Robertum, & Vicecomitem predictam salvo custodienda & extendenda in forma Supradicta. Quod si aliquis predictorum Willielmi, Roberti, vel Vicecomitis per infirmitatem aut alio modo impeditus fuerit quo minus dictum negotium exequi possit, duo alii nichilominus in negotio predicto procedant & illud in forma predicta plene & fideliter expediant. Et ideo vobis mandamus quod predictis Willielmo, Roberto & Vicecomiti in hiis, que ex parte nostra vobis duxerit injungenda, sitis intendentes & auxiliantes. In cujus &c. Teste Rege apud Winton vicesimo primo die Septembris.

Item in forma predicta constituuntur omnes Milites subscripti in Comitibus Subscriptis.

Wills.

Wills.	{ Willielmus de Canne, Adam de Machine.
Lint.	{ Antonius Bek, Alexander de Monte Forti.
Somerset.	{ Willielmus Everard, Ricardus de Bamfeld Canonicus Well'.
Cant. & Dunt.	{ Almaricus Peché, Willielmus de Criketon.
Lanc.	{ Patricius de Ulmesby, Robertus de Latham.
Glouc.	{ Robertus de Santemaur, Robertus de Kingelton.
Widd.	{ Philippus de Conel, Johannes de Vantort.
Dorset.	{ Radulphus de Gorg, Johannes de la Strode.
Devon.	{ Henricus de Tracy, Ricardus Banzan.
Cornew.	{ Stephanus Heym, Philippus de Bodrigan.
Buck. & Bed.	{ Jacobus le Sauvage, Galfridus de Rus.
Cumberl.	{ Robertus de Mulecastre, Ranulphus de Acr.
Wessmerl.	Idem Milites.
Wiltsh.	{ Willielmus de Sautemaur, Paulinus de Kerdif.
Southt.	{ Mathæus de Columbers, Radulphus de Hotot.
Ebor.	{ Johannes de Oketon, Galfridus Aguilun.
Surr. & Suff.	{ Johannes de Wauton, Willielmus Aguilun.
Northt.	{ Johannes Lovell, Willielmus le Brun.

Mott. Derb. { Willielmus de Grey,
Willielmus de Montgomery.

Deret. { Ricardus de Bachind,
Walterus de Ailesfor d.

Kanc. { Henricus de Burn,
Rogerus de Norwede.

Essex & Hertford. { Willielmus de Granco urt,
Richardus de Herlawe.

Moss. Suff. { Henricus de Reneshal,
Hervicus de Vallibus.

Kotelond. { Jacobus de Paunton,
Johannes de Sproxtton.

Northumb. { Thomas de Richel,
Johannes de Aulton.

Salop & Staff. { Philippus le Bret,
Odo de Hodenet.

Dron & Berk. { Thomas de Valom,
Willielmus de Englefeud.

Pat. 49. H. 3.
N. 224.

R Ex Hunfredo de Bohun Comiti Hereford, Johanni de Bailol, Rogero de Lepburn, & Roberto Walterand, Custodibus Civitatis sue London, Salutem. Quia Major, Cives, & tota Communitas Civitatis predictæ tam de vita & membris quam terris tenementis & bonis suis aliis quibuscumque voluntati nostræ se submiserunt, Volumus quod pax nostra tam in Civitate predicta quam in partibus adjacentibus proclametur & firmiter observetur. Et ideo vobis mandamus quod pacem nostram ibidem publice clamari & firmiter observari faciatis, omnem diligentiam quam poteritis apponentes, ne deprædationes aliquæ in dicta Civitate fiant, maxime cum deprædationes predictæ in dispendium nostrum cederent & jacturam manifestam. Quod si forte aliquos deprædatores seu pacis nostræ perturbatores ibidem inveniri contigerit eos, arrestari & salvo custodiri faciatis donec aliud inde præceperimus. Ita quod diligentiam vestram exinde debeamus merito commendare. Teste Rege apud Winderforam Sexto die Octobris.

REX

R Ex universis & singulis hac instante Die Jovis ad Comitatum Middlesex conventuris, Salutem. Quia de Vicecomite in Comitatu predicto nondum providimus mittimus dilectum & fidelem nostrum Philippum de Conel ad Comitatum illum tenendum die predicto, & ea quæ ad officium Vicecomitis pertinent facienda, Et ideo vobis mandamus quod eidem Philippo tanquam Vicecomiti nostro Comitatus predicti quoad diem illum intendentes sitis & respondentes sicut predictum est. In cuius, &c. Teste Rege apud Winderfor sexto die Octobris.

Pat. 49. H. 3.
M. 7.
N. 225.

R Ex omnibus, &c. Salutem. Licet nos sicut Edwardus primogenitus noster totis desideris affectum transire in subsidium terre Sanctæ, quia tamen Prælati Magnatibus & Communitati Regni nostri non videtur expediens neque tutum quod nos ambo extra regnum istis temporibus ageremus, nos votum nostrum quatenus possumus perfici, & regni nostri regimini de consilio dictorum Prælatorum & Magnatum Salubriter prospicere cupientes negotium Crucis una cum signo Crucis nostræ prefato primogenito nostro ex plena & summa Confidentia commisimus vice nostra, & ad idem negotium quo ad votum peregrinationis nostræ & suæ prout decet & expedit ad Christiani nominis exaltationem efficacius peragendum totam vicissimam nostris in subsidium terre Sanctæ per totum regnum nostrum concessam tam collectam quam colligendam eidem primogenito nostro duximus plenarie conferendam. In cuius, &c. Teste Rege apud Wintonquarto die Augusti.

Pat. 54. H. 3.
M. 7.
N. 226.

R Ex Archiepiscopis, Episcopis, Abbatibus, Comitibus, Baronibus, Militibus, & libere tenentibus, & omnibus fidelibus suis per Hiberniam constitutis, Salutem. Fidelitatem vestram in Domino commendantes quam Domino patri nostro semper exhibuistis, & nobis estis diebus nostris exhibaturi, Volumus quod in signum fidelitatis vestræ tam præclare, tam insignis, Libertatibus regno nostro Angliæ à patre nostro & nobis concessis, de gratia nostra & dono in Regno nostro Hiberniæ gaudetis vos & vestri hæredes imperpetuum. Quos distincte in scriptum redactas de communi Consilio omnium fidelium nostrorum vobis mittimus, signatas sigillis Domini nostri G. Apostolicæ sedis Legati, & fidelis nostri Comitis W. Marefchalli Rectoris nostri & Regni nostri, quia sigillum nondum habuimus, easdem processu temporis de majori Consilio proprio sigillo signaturi. Teste apud Gloucestriam sexto die Febrarii.

Pat. 1. H. 3.
M. 13. Intus.
N. 227.

Pat. 30. H. 3.
M. 1. Hibern.
N. 228.

Quia pro communi utilitate terre Hiberniæ & unitate terrarum Regis, Rex vult, & de communi consilio Regis provisum est, quod omnes leges & consuetudines que in regno Angliæ reventur in Hyberniam teneantur, & eadem terra eisdem legibus subiaceat, & per eandem regatur, sicut Dominus J. Rex cum ultimo esset in Hibernia, statuit & fieri mandavit. Quia etiam Rex vult, quod omnia brevia de communi jure que currant in Anglia similiter currant in Hyberniam sub novo sigillo Regis. Mandatum est Archiepiscopis, &c. quod pro pace & tranquillitate ejusdem terre, per eandem leges eos Regi et deduci permittant, & eas in omnibus sequantur. In cuius, &c. Teste Rege apud Wodestok, nono die septembris.

Clauſ. 37. H. 3.
M. 15. Dorſ.
N. 229.

Rex Justiciario Hiberniæ, Salutem. Monstravit nobis Mamorch Offerthierun et Rothericus frater ejus, quod Antecessores sui et ipsi, licet Hibernienſes fuissent, semper tamen firmiter fuerunt ad fidem et servitium nostrum et prædecessorum nostrum Regum Angliæ ad conquestum una cum Anglicis faciendum super Hybernienſes. Et ideo vobis mandamus, quod si ita est, tunc non permittas ipsos Mamorch et Rodericum repellere, quin possint terras vindicare in quibus jus habent, sicut quilibet Anglicus; quia si ipsi et Antecessores sui sic se habuerunt cum Anglicis, quamvis Hibernienſes, injustum est, licet Hibernienſes sint, quod exceptione qua repelluntur Hibernienſes à vindicatione terrarum et aliis repellantur. Teste, &c.

Pat. 46. H. 3.
M. 19. intus.
N. 230.

Sanctissimo in Christo Patri Urbano Dei gratia Sacro Sanctæ Romanæ Ecclesiæ summo Pontifici, Henricus eadem gratia Rex Angliæ, Dominus Hiberniæ, Dux Aquitanie, Salutem. Cum reverentia et honore. Sanctitati vestræ notum facimus, quod nos constituimus et ordinamus in vestre Curia Sanctitatis, dilectos Clericos nostros magistros Johannem de Hemingford, et Rogerum Luvell, et quemlibet eorum in solidum, ita quod non sit melior conditio occupantis, nostros et Regni nostri Procuratores et Nuncios speciales, ad exponendum, et intimandum, et referendum gravamina nobis et Regno nostro illata, à Venerabilibus Patribus Bonifacio Archiepiscopo Cantuariensi, & Suffraganeis ejus, et ad exponendum et intimandum vobis quædam statuta ab eis edita in nostrum et Coronæ nostræ præjudicium et gravamen nec non ad supplicandum Sanctitati vestræ, ut prædicta gravamina tollere, ac statuta dignetur vestra Sanctitas revocare; et ad supplicandum etiam, ut super hiis vestre Sanctitatis circumspectio nobis et Regno nostro gratiam adhibeat, si necesse fuerit et remedium opportunum.

Item, Et ad impetrandum, et contradicendum et Narrandum, ac in Judices conveniendum. Ratum habituri quicquid ipsi Procuratores vel eorum alter duxerint vel duxerint faciendum, presentibus post annum minime valituris. Dat. apud London 7 Kalend. Novembris, Anno 1261.

Domino

Pat. 46. H. 3.
M. 17.
N. 231.

Domino Papæ Rex Angliæ, Salutem, cum reverentia et honore. Sanctitati vestræ notum facimus, quod nos constituimus et ordinamus in Curia vestre Sanctitatis, Magistros Johannem de Hemingford, et Rogerum Luvell, quemlibet eorum in solidum, ita quod non sit melior conditio occupantis, nostros et Regni nostri Procuratores et Nuncios speciales, ad exponendum, intimandum, et referendum gravamina nobis et Regno nostro illata à Venerabilibus Patribus Bonifacio Archiepiscopo Cantuariensi, & Suffraganeis ejus, et ad exponendum et intimandum vobis quædam statuta ab eis edita in nostrum et Coronæ nostræ præjudicium et gravamen, et ad supplicandum Sanctitati vestræ, ut prædicta gravamina et statuta dignetur vestra Sanctitas revocare et ad Supplicandum, ut vestra Sanctitas faciat nobis et Regno nostro gratiam, si necesse fuerit, et remedium opportunum. Item ad impetrandum et contradicendum, et narrandum, ac ad Judices eligendum et recusandum, Ratum habituri quicquid dicti Procuratores, vel alter eorum super præmissis duxerint vel duxerint faciendum, presentibus per biennium in suo robore duraturis. Dat. apud Westmonasterium, die tertio Januarii, Anno 1261.

Rex Vicecomiti Eborum Salutem. Quia in relevationem omnium Incultorum & populi Regni nostri pro octava omnium bonorum Singulorum laicorum per totum idem Regnum pro urgentissima nunc dicti regni contra Gallicos necessitate levanda concessimus pro nobis & heredibus nostris confirmare & firmiter teneri facere Magnam Cartam de libertatibus Angliæ & Cartam de libertatibus Forestæ & concedere omnibus & singulis ejusdem Regni litteras nostras patentes quod dicta Octava levatio non cedet eisdem in præjudicium, Servitutem, Exheredationem, usum vel consuetudinem in futurum; Tibi præcipimus firmiter injungentes quod sine dilatione aliqua duos de probioribus & legalioribus Militibus Comitatus tui eligi, & eos plenam potestatem pro ipsis & tota Communitate dicti Comitatus habentes ad Edwardum filium nostrum carissimum tenentem in Anglia locum nostrum venire facias. Ita quod sint London ad eundem filium nostrum modis omnibus in Octabis Sancti Michaelis proximo futuris ad ultimum, Cartas super Confirmatione nostra Cartarum prædictarum, & litteras nostras super dicta concessione pro ipsa Communitate in forma prædicta recepturi, & sauari aliterius quod per dictum filium & Consilium nostrum ibidem fuerit ordinatum. Et hoc nullo modo omittas. Et habeas ibi hoc Breve. Teste Edwardo filio Regis apud Sanctum Paulum London, decimo quinto die Septembris.

Consimiles litteræ diriguntur singulis Vicecomitibus per Angliam.

The Inculte Regni, and Populus were the Laity only, as appears in this Record by the words singulorum Laicorum: And they were called inculte regni, in Despight to the Clergy, who were then out of the Kings Protection, and not taken to be his Subjects, or Members of the Nation.

Cl. 21. E. 1.
M. 6. Dorſ.
N. 230.

This Charter was made when the King was under Monfort's power, when he kept him Prisoner at large under a Guard, and made what Grants he pleased, and issued what Writs he would, and Sealed what Charters he pleased with the Kings Seal, and published them under his Name, and made him own them.

R EX

Cart. 49. H.
M. 4.
N. 233.

* See Pat. 48.
H. 3. M. 6.
Dort in this
Append. N.
213.

R Ex omnibus de Comitatu Eborum Salutem. Cum propter hostilem turbationem habitam in Regno nostro de unanimi assensu & voluntate nostra, & Edwardi filii nostri primogeniti Prælatorum Comitum, Baronum & Communitatis regni nostri pro Regni ipsius pace pro cuius securitate dictus Edwardus & Henricus filius Regis Alemannie Nepos noster obfides dati fuerunt concorditer sit provisum quod quedam ordinatio de unanimi assensu nostro Prælatorum Comitum & Baronum prædictorum super nostro & regni nostri statu London * Hense Junii Anno Regni nostri quadragesimo octavo facta inviolabiliter observetur Universalitatem vestram scire volumus quod nos ordinationem ipsam & pacem & tranquillitatem Regni bona fide observare & in nullo contravenire ad Sancta Dei Evangelia juravimus. Hoc adjecto in eodem sacramento specialiter, & expresse quod occasione factorum præcedentium tempore turbationis aut guerre præcedentis neminem occasionebimus aut inculpabimus de illis aut de parte illorum quos tanquam inimicos diffidavimus puta Comites Leycestrie & Gloucestrie & alios sibi adherentes ac Barones siue Civis nostros London & Quinq; Portuum nec alieni de prædictis dampnum faciemus aut fieri procurare velimus nec per Ballivos nostros aliquatenus fieri permittemus. Juravimus insuper quod ea omnia que pro liberatione dictorum filii nostri ac Nepotis sunt provisum & sigillo nostro sigillata quantum ad nos pertinet inviolabiliter observabimus & ab aliis pro posse nostro faciemus observari. Volentes & consentientes expresse quod si nos vel dictus Edwardus filius noster contra prædictam ordinationem, provisionem nostram seu juramentum, quod abist, in aliquo venire seu pacem & tranquillitatem regni nostri turbare seu occasione factorum præcedentium tempore turbationis ac guerre præcedentis aliquem de prædictis aut de parte prædictorum quos diffidavimus occasionare seu alieni de eis dampnum facere aut fieri procurare præsumpserimus, liceat omnibus de regno nostro contra nos insurgere & ad gravamen nostrum, opem, & operam dare juxta posse, Ad quod ex præfati præcepto nostro omnes & singulos volumus obligari fidelitate & homagio nobis factis non obstantibus. Ita quod nobis in nullo intendant, set omnia que gravamen nostrum respiciunt, faciant ac si in nullo nobis tenerentur donec quod in hac parte transgressum fuerit seu commissum cum satisfactione congrua in statum debitum secundum prædictorum ordinationis & provisionis nostræ seu juramenti formam fuerit reformatum. Quo facto sicut prius intendentes existant. Et si aliquis alius de regno nostro contra prædicta venire seu pacem & tranquillitatem regni nostri turbare præsumpserit seu nobis vel Edwardo filio nostro aut alicui alteri contra prædicta vel aliquod prædictorum venientibus opem, Consilium, consensum vel auxilium quoquo modo præstiterit si hoc notorium fuerit aut de hoc per considerationem Consilii nostri & Magnatum terræ nostræ convictus fuerit siue non, tam ipse quam heredes sui imperpetuum exha redentur ac de terris & tenementis ipsorum fiat prout de terris eorum qui de feloniam convicti sunt secundum leges & consuetudines regni nostri fieri consuevit. Ad hæc de unanimi assensu & voluntate nostra Edwardi filii nostri Prælatorum Comitum Baronum & Communitatis Regni nostri concorditer provisum est quod Cartæ * antiquæ communium Libertatum & Foreste Communitati regni nostri per nos dudum concessæ in quarum violatores ad petitionem nostram sententia excommunicationis dudum lata est & per sedem Apostolicam specialiter confirmata nec non & omnes articuli de nostro & Magnatum terræ nostræ communi assensu dudum provisum

* So called in
Respect of the
provisions
made at London
in the
Month of
June the year
before, and
the Articles
made at Worcester,
December the 13th
last foregoing.

provisi quas nuper apud Wygorniam existentes per singulos Comitatus sub sigillo nostro transmissimus inviolabiliter observentur imperpetuum. Ad quorum observationem Sacramento ad Sancta Dei Evangelia præfatis sponte nos obligavimus, & omnes Justiciarios, Vicecomites, & quoscumq; Ballivos de regno nostro tam nostros quam aliorum simili Sacramento volumus obligari. Ita quod nullus teneatur al cui Ballivo obedire donec Sacramentum præstiterit. Et si quis contra Cartas ipsas vel articulos prædictos in aliquo venire præsumpserit præter perjurii reatum & excommunicationis sententiam que incurret per considerationem Curie nostræ graviter puniatur. Salvo in præmissis prout decet privilegio clericali. Et quia volumus quod hæc omnia firmiter & inviolabiliter observentur, Universitati vestre injungendo ac præcipiendo mandamus quatinus vos omnes & singuli prædicta omnia & singula sicut superius scripta sunt faciatis teneatis & inviolabiliter observetis & ad ea omnia facienda tenenda & observanda ad Sancta Dei Evangelia Sacramento corporaliter præfatis ad invicem vos obligetis. In cuius rei Testimonium Cartas & Ordinationes prædictas cum præsentibus literis patentibus vobis sub sigillo nostro transmissimus in Comitatu vestrum sub custodia fide dignorum ac hoc Electorum ad rei memoriam salvo custodiendi us, contra quas ne quis ignorantiam pretendere possit in futurum, ad minus bis in anno in pleno Comitatu prius præcipimus publicari. Ita quod fiat prima publicatio in proximo Comitatu post instans festum Pasche, secunda vero fiat in proximo Comitatu, post festum Sancti Michaelis & sic deinceps fiat annualim. Volumus insuper quod salvo omnibus supradictis, omnes alie ordinationes & articuli per nos & Consilium nostrum hactenus provisum qui poterunt ad honorem Dei & Ecclesiæ, fidem nostram, & regni nostri commodum observari, inviolabiliter observentur & teneantur. Ut autem præmissa omnia & singula firma maneat & inconcussa Reverendi Patres Episcopi per Regnum constituti ad instantiam nostram sententiam excommunicationis fulminarunt, in omnes illos qui contra præmissa vel aliquod præmissorum scienter venerit aut venire temptaverit cum effectu quorum jurisdictioni seu coercionis spontanea voluntate quantum ad præmissa nos submittimus privilegiis nostris omnibus impetratis aut impetrandis seu proprio motu Domini Papæ nobis concessis aut impofterum concedendis in hoc pure renunciantes prout in literis super hoc confectis penes dictos Prælatos residentibus plenius continetur. In cuius rei Testimonium hæc literas nostras fieri fecimus patentes. Teste Rege apud Westmonasterium, decimo quarto die Martii Anno Regni nostri quadragesimo nono. The same Date in the same Chart to the County of Midd.

R E X

Ch. F. H. 3.
M. 10. D. 1.
N. 234.

R Ex Vicomiti Lincolnie Salutem. Quia audivimus quod tu & Ballivi tui & etiam Ballivi aliorum quid Hundreda habent in Comitatu tuo non intelligitis qualiter Hundreda & Wapentacca teneantur debeat in Comitatu tuo postquam concessimus omnibus de regno nostro libertates contentas in Cartis nostris quas inde fecimus, dum fuimus infra-
 A
 Aiacis. Nos eandem Cartam nuper legi fecimus in presentia Domini Cantuariensis & Majoris & Senioris partis omnium Episcoporum, Comitum & Baronum totius Regni nostri, ut coram eis & per eos exponeretur hac clausula contenta in Carta nostra de libertatibus, videlicet quod nullus Vicecomes vel Ballivus faciat Turnum suum per Hundreda nisi bis in anno & non nisi loco debito & consueto, videlicet semel post Pascha & iterum post Festum Sancti Michaelis sine occasione.
 B
 Ita scilicet quod quilibet habeat libertates suas quas habuit, & habere contuevit tempore Henrici Regis avi nostri, vel quas postea perquisivit; unde a multis tibi dictum fuit, & testatum quod tempore Henrici Regis avi nostri tam Hundreda & Wapentacca quam Curie Magnatum Anglie solebant teneri de quindenâ in quindenam. Et licet multum placeret nobis communi utilitati totius regni & indemnitati pauperum providere, tamen quia illi duo Turni plene non sufficiunt, ad pacem regni nostri conservandam, & ad excessus tam divitibus quam pauperibus illatos corrigendos qui ad Hundreda pertinent de communi Consilio prædicti Domini Cantuariensis, & omnium prædictorum Episcoporum, Comitum, & Baronum & aliorum. Ita provisum est quod inter prædictos duos Turnos teneantur Hundreda & Wapentacca & etiam Curie Magnatum de tribus Septimanis in tres Septimanas ubi prius teneri solent de quindenâ in quindenam. Ita tamen quod ad illa Hundreda & Wapentackia, & Curias, non fiat generalis Summonitio sicut ad Turnos prædictos sed ad Hundreda illa Wapentackia & Curias conveniant conquirentes & adversarii sui, & illi qui Sectas debent, per quos teneantur placita, & fiant Judicia, nisi ita sit quod ad Hundreda illa & Wapentackia fieri debeat Inquisitio de placitis Corone sicut de Morte hominis, Thesauro invento, & huiusmodi ad quæ inquirenda conveniant cum prædictis Sectariis, quatuor villarum proximarum, scilicet omnes de illis villis qui necessarii fuerint ad Inquisitiones illas faciendas, Et ideo tibi precipimus quod prædicta Hundreda Wapentackia & Curias tam nostras quam aliorum teneantur facias de cetero secundum quod prædictum est de tribus Septimanis, in tres Septimanas, exceptis prædictis duobus Turnis, qui de cetero teneantur secundum quod prius teneri solebant. Teste Rege apud Westmonasterium xii die Octobris.

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